

G O V E R N M E N T O F I N D I A
M I N I S T R Y O F S T A T E S



REPORT
ON
AGRARIAN REFORMS
IN PEPSU

June 1952

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CHAPTER I

INTRODUCTION

Appointment of Committee.—By their Resolution No. F.53(39)-P/
49 dated 11th May 1950, the Government of India in the Ministry of States appointed a Committee to examine the system of land tenure in the Patiala and East Punjab States Union and to recommend such changes as might be necessary. The Resolution set out the need for a special enquiry and indicated the terms of reference. The Resolution reads as follows:—

“(1) The question of tenancy and agrarian reforms in Patiala and East Punjab States Union has been engaging the attention of the State Government for some time now. An Ordinance issued by the Rajpramukh on August 15, 1949, dealt with the question of the occupancy tenants by partitioning the land between the Biswedar and the occupants. The Ordinance, however, deals only with a small percentage of the cultivable land in Patiala and East Punjab States Union. The problem so far as it related to other classes of tenants and the general question of introducing some sort of uniformity in the land tenure systems existing in the various parts of the State remains to be settled. The Government of India are of the view that a decision in a matter of such importance affecting the economic and social life of agricultural and other rural classes should not be taken without ascertaining all the relevant facts and carefully considering them and that the appointment of a Committee of Enquiry would be the best method of ensuring this.”

“(2) At the request of the Pepsu Government the Government of India have accordingly decided to appoint a committee with the following terms of reference:—

- (1) To examine the existing tenancy relationships (other than the rights of occupancy) in land in the Patiala and East Punjab States Union and to propose such changes in them as may be necessary;
- (2) To examine the existing system of land tenure in Patiala and East Punjab States Union; and

(3) To propose such changes in it as may be necessary keeping in view the requirements of the agricultural economy and the welfare of different sections of the rural population.

(4) The Committee will consist of the following:—

Chairman.

Shri C. S. Venkatachar, I.C.S., Regional Commissioner and Adviser, Rajasthan.

Members.

Shri J. M. Shrinagesh, I.C.S., Commissioner, Jullundur Division.

Sardar Tarlok Singh, I.C.S., Deputy Secretary to the Planning Commission.

Secretary.

Sardar Rajbir Singh Kang.

"The Committee has been requested to complete its work and submit a report as soon as possible."

2. Collection of data.—The Committee commenced work in July 1950. During its series of meetings at Patiala in October, 1950, the Committee determined the details of information which had to be collected from revenue records and held discussions with the principal revenue officers of Pepsu as well as with representatives of different interests. At this stage, Sardar Lal Singh, P.C.S., who had recently taken charge as Financial Commissioner, Pepsu, joined the Committee as Member-Secretary in place of Sadar Rajbir Singh Kang, who had worked as Secretary during the preceding months. While the necessary information was collected by the revenue authorities, some delay in the Committee's work took place on account of the appointment of its Chairman as Chief Minister in Rajasthan, and subsequently as Secretary, Ministry of States, and of Shri J. M. Shrinagesh as Adviser to the Government of Nepal. The Committee would have liked to submit its report at an earlier date, but this was not possible mainly on account of the preoccupation of its members with heavy official duties. The Committee held a further series of meetings at Patiala in August 1951 when it examined certain temporary legislation proposed to be introduced by the Pepsu Government and held consultations with the Ministers and other senior officials and also met representatives of landlords, occupancy tenants and tenants-at-will.

3. Evacuee lands.—During our work, the question whether evacuee lands should be treated in the same manner as non-evacuee lands came up repeatedly in connection with various proposals for tenancy and land reforms. We felt that so long as displaced persons to whom evacuee lands have been allotted, whether temporarily or on a quasi-permanent basis, do not come into possession of the rights of full ownership, evacuee lands should continue to be treated as a category apart from the rest. Unless we specifically state otherwise, our proposals do not, therefore, apply to evacuee lands in Pepsu.

CHAPTER II

TENANCY PROBLEMS IN PEPSU

4. Formation of Pepsu.—The Patiala and East Punjab States Union was established on the 20th August, 1948, through the merger of the territories of eight Indian States, namely, Patiala, Kapurthala, Nabha, Jind, Faridkot, Malerkotla, Nalagarh and Kalsia. It had in 1951 a population of 3,394,685 and a total area of 5,346,639 acres. The total cultivated area is 4,993,406 acres, of which 966,890 acres are irrigated by canals and 804,840 acres by wells. The State is now divided into eight districts and has 5,847 villages. The details of population and area by districts are given in Appendix II(1). A total area of 11,92,549 acres belongs to persons who have migrated from India, of which 748,076 acres are shown as cultivated land. In common with East Punjab, displaced landholders from West Pakistan have been rehabilitated on evictee lands in Pepsu on the basis of an agreed scheme of quasi-permanent allotments.

5. Tenancy relations in Punjab and Pepsu.—In the main, tenancy relations in Pepsu follow those in the Punjab. The revenue and tenancy laws of the Punjab were adapted from time to time by the Punjab States and Settlement and Revenue officers were also frequently borrowed from the Punjab. Nevertheless, it was inevitable that the different history of these territories should lead to the creation of special rights of Rulers or of landlord families closely allied to the families of Rulers. Both in the Punjab and in Pepsu the bulk of the owners of land were also cultivators. For this as well as other reasons, the general law and the practice of the revenue administration in both areas was biased in favour of the land-owing class.

6. Land administration and conditions of tenure came into line with the Punjab to a much greater extent in States in which the first regular settlements took place at relatively early dates than in others. In Patiala the first cash assessment was made in 1862 and was followed by summary assessments every 10 years, but the first regular settlement was not begun until 1901 and completed until 1909. Similarly, Faridkot State was not systematically settled until 1909-10. On the other hand, a large part of the Jind State had a summary settlement between 1857 and 1866 and its first regular settlement shortly afterwards. In Nabha the regular settlement of different parts of the State was accomplished at intervals between 1873 and 1901. The first settlement in Kapurthala was effected as far

back as 1865. In Malerkotla, adjoining the Ludhiana district, settlement operations began in 1887. In Nalagarh, where conditions differed greatly from those in the plains, a portion of the State was settled in the closing years of the last century, while another portion was settled as recently as 1924.

7. Classes of tenures.—Apart from owners of land, who are in direct occupation of nearly two-thirds of the total area of Pepsu, the principal tenure holders are occupancy tenants, certain special classes of tenants-at-will, lessees and mortgagees. The areas under the occupation of these six classes of holders are:—

Class of tenure holder		Total area (acres)	Cultivated area (acres)
Owners, including State	.	4,029,036	2,760,936
Occupancy tenants	.	637,331	621,501
Special tenants	.	77,941	75,971
Tenants-at-will	.	1,046,532	1,011,333
Lessees	.	145,930	129,764
Mortgagees	.	409,869	384,901

More detailed information will be found in Appendix II(2). As stated earlier, the great majority of the owners cultivate their own lands. Lessees and mortgagees are not strictly tenure holders, as their occupation is subject to termination in accordance with the terms and conditions which may apply to every individual case of lease or mortgage.

8. The tenancy problem.—In the past, in the territories comprised in Pepsu, the tenancy problem was confined to the claims urged by (1) occupancy tenants, (2) groups of special tenants and, (3) a proportion of tenants-at-will who represented that they had been deprived of rights of occupancy or ownership which, in fact, belonged to them. The rights of superior ownership held by Rulers and other superior rights constituted a fourth category. Another aspect of the tenancy problems, which has now gained in urgency and importance, relates to the grant of greater rights to tenants-at-will, generally on the lines of legislation enacted in several States, including the Punjab. In the following chapters we assess briefly the character and magnitude of each aspect of the tenancy problem and recommend measures which should be taken by the Government.

9. Accentuating factors in Pepsu.—The tenancy problem in *Pepsu* has been accentuated in recent years by two circumstances. In the first place, for several years there was persistent and organised agitation, in particular, on the part of occupancy tenants in Patiala and special classes of tenants in Faridkot. In both States, the administration found itself unequal to the task of dealing with the agitation or of resolving the problems which led to it. Since the formation of Pepsu, several Governments have been in office, each of them relatively unstable and shortlived, so that no clear or adequate policy has yet emerged. In the second place, the revenue administration in all the States which merged in Pepsu was comparatively weak and inadequately organised. The importance of strengthening the machinery of revenue administration in Pepsu cannot be too greatly emphasised, for, without considerable improvement in this direction, measures which may be enacted by legislation can bear little fruit.

10. Tenancy problems and the future land system.—While a series of measures are needed for dealing with the more obvious aspects of the tenancy problem as it has existed in the past and certain measures have to be taken in the interest of the tiller of the soil, the land problem in Pepsu, as elsewhere, cannot be solved without a clear view about the kind of land system which it is proposed to establish in the future. The measures which may be taken now have, therefore, to be seen as part of a more long-term policy to be implemented over a period and designed to produce a land system which will secure the desired objectives. In a later chapter we offer some suggestions on this subject, although we appreciate that a final policy, and programme must take time to emerge.

CHAPTER III

OCCUPANCY TENANTS

11. Relations between landlords and occupancy tenants.—Relations between landlords and occupancy tenants were severely strained in the former Patiala State long before the formation of Pepsu. The causes of this tension go back to several generations. Popham Young as Settlement Commissioner of the Patiala State during the early years of this century, was faced with this problem. Referring to the period of expansion in the power and influence of the Chiefs of Patiala, he remarks:—

“With the growth of an Estate into a State, the sovereign waxed and the landlord warned, until there was once more room for the middleman between the actual cultivator of the soil and the recipient of that share of the produce which was the land revenue. Such middlemen did not, however, arise everywhere. In the majority of the Patiala villages the cultivating community, when they were of good agricultural stock, kept in their own hands the *Biswedari* or landlord right. In some cases, one of their number succeeded in obtaining both from the State and from his fellows a recognition of a slightly superior *status*, which entitled him to arrange, within limits, for the cultivation of the land and for the payment of the revenue. In others, a landlord, or *Biswedar*, was imposed on the cultivating community by the will of the ruler. And when peace and ordered administration were established, many villages were founded in waste lands by men who were in a position to impose upon those who wished to cultivate, such terms as were economically practicable. The State retained to itself the right to take that share of the produce which was originally rent and revenue combined. Generally speaking, the landlord, in the embryonic stage of his existence which we are now considering, was allowed to recover payment which had to be made to the State. This in its original simplicity was the *Haq Sarina*, which was limited to one *ser* in the maund of produce raised. Eventually, the State itself contributed something to the support of the landlord in the shape of a drawback from the revenue. Finally, when con-

tract settlements on a cash basis were introduced, those who had acquired the *Biswedari* status were in a position to retain for themselves the old State share of the produce, plus the *Sarina*, plus a number of other cesses, which had gradually been introduced on one pretext or another, and also the whole of the drawback from the revenue, or *Inam*, allowed to those who were classed as responsible *Malguzars* or revenue payers."

12. Conditions before the Regular Settlement.—Relations between landlords and tenants in the Patiala State had been "strained and bitter" long before Popham Young's settlement (1900-1908). As he explained, prior to this Settlement, while the right of occupancy was itself well recognised—

"there was no clear understanding either as to how these rights were acquired, or what they amounted to. In many cases in which the proprietary title had been in dispute between the main body of cultivating residents in the village, on the one hand, and, on the other, some individual who claimed the entire *Biswedari* right on the score of descent from the founder, or alleging that his admitted right as *Mafidar* covered the proprietary title also, the State Courts would often allot to the former the unasked for status of occupancy tenant. In fact, occupancy rights were generally awarded as a kind of compensation to the unsuccessful claimants of proprietary rights, and often, I fear, as a sop to the conscience of officers who knew well that they were favouring men of their own class. There was throughout the State a strong offensive and defensive alliance between *Ahlkar* (official) and *Biswedars* (landlord classes). The *Ahlkar* who was not a *Biswedar* generally contrived to become one, and the *Biswedar* found that it was necessary to salvation to obtain a footing in the official camp. The tendency was for small proprietors, who happened to be share-holders in a village in which some one connected with the official class was an assignee of the revenue, or the owner of a predominant interest therein, to become occupancy tenants, and for old tenants in a *Biswedari* estate to sink to the level of mere tenants-at-will. Moreover, the influence of the landlord class led to the issue of a *Hidayat* in 1872 from the supreme authority in the State, making it incumbent upon all occupancy tenants to pay kind rents."

13. Conditions during Settlement Operations.—During the decade preceding the Settlement operations there had been

"a campaign of high-handedness and aggression on the part of a number of the landlord class. This led to so many law suits and criminal prosecutions, that during the Settlement operations an attempt was made to ascertain the positions, and define the rights of the tenants throughout the State. The Punjab Land Revenue Act was applied to Patiala with some modifications and, during the subsequent investigations as many as 34,394 occupancy tenancies were established, representing a total area of 305,161 acres."

14. Limitations of revenue records.—In the circumstances described by Popham Young, although every effort may have been made to ascertain the correct facts, it is reasonable to assume that there must have been many instances of persons who had in fact been proprietors but came to be recorded as occupancy tenants, and of others who came to be recorded as tenants-at-will, although they were tenants of long-standing in *biswedari* estates. It is true that there has long been litigation in respect of many villages in which the tenancy problem has been acute. It is inevitable that courts should demand documentary evidence before they could agree to any change in the record of rights. It must be recognised that in the circumstances of Patiala, when the first regular Settlement took place (half a century after the British annexation of the Punjab) it would be extremely difficult for any party to establish its rights through documentary evidence which could be verified from entries in the record of rights.

15. Legislation of March 1947.—The strained relation between landlords and occupancy tenants which marked the settlement operations worsened during the succeeding years. For a period, landlords continued to pay their land revenue, even though many of them were unable to collect their dues from the occupancy tenants. A stage was reached when land revenue due from them began increasingly to fall into arrears. Many a landlord was unable to enter upon his land and physical violence was by no means rare. In the circumstances, the authorities of the former Patiala State decided to carry out the physical partition of each holding as between the landlord and the occupancy tenant. A *Farman-i-Shahi* was issued on March 11, 1947, under which the Ruler of Patiala ordered that in the case of occupancy tenants holding under section 5 of the Punjab Tenancy Act, one-third of the land should go to the landlord and two-thirds to the tenant, and in the case of occupancy tenants holding under sections 6 and 8 of the

Punjab Tenancy Act, two-fifths of the land should go to the landlord and three-fifths to the tenant. The land so apportioned was to be held in full ownership by the landlord and the tenant respectively with corresponding rights in the common land of the village. The *Farman-i-Shahi* was in the nature of a rough and ready solution. It treated all occupancy holdings alike and ignored variations in rents. Even where the landlord was entitled to receive no rent over and above the land revenue due to the Government, under the *Farman-i-Shahi* the tenant had to part with a third of holding. The *Farman-i-Shahi* is reproduced as Appendix I(1) to this Report.

16. Legislation of August, 1949.—The defects in this legislation soon became apparent and only a small number of disputes were settled. By and large the legislation proved ineffective and it became necessary for the Government of the Patiala and East Punjab States Union to amend the *Farman-i-Shahi* and issue a new and much more elaborate Ordinance (No. XXIII of 2006 Bk.) on August 15, 1949 [See Appendix I(2)]. The landlord's share was now fixed at one-fourth of the holding and the occupancy tenant's at three-fourths and the tenant was given the option to purchase the landlord's share. If he did not exercise this option by depositing the purchase price within 15 days of the receipt of a notice from the Partition Officer to be appointed under the legislation, proceedings to carry out the physical partition of the holding between the landlord and the tenant would take place. Apart from its intrinsic weaknesses, this legislation, failed to inspire confidence because it vested the functions of control and superintendence over the partition operations in a committee to be appointed by the Government. No committee was in fact set up and the legislation remained infructuous.

17. Further amendments in 1950.—Further changes in the ordinance of August 15, 1949 were made in 1950. By Ordinance No. XXVI of 2006 Bk. and by the Pepsu Act No. IV of 2007 Bk., the proposal to set up a committee was given up and the powers which were formerly proposed to be exercised by the committee were now reserved to the Government [See Appendix I(3)]. While, in general, the landlord was entitled to one-fourth of the holding and the tenant to three-fourths, this rule could be varied. It was provided that where the occupancy tenant paid no rent to the landlord over and above the land revenue and the rates and cesses thereon, he was to be entitled to the entire holding. Further, where the landlord received rent in cash or received rent in kind amounting to less than one-fourth of the produce of the holding, the respective shares between the landlord and the tenant were determined in accordance with an elaborate scale prescribed by the rules under

the Ordinance. The purchase price of the landlord's share was fixed at 100 times the land revenue. Occupancy tenants who had been ejected during the seven years preceding the 11th March, 1947, when the *Farman-i-Shahi* was enacted, were permitted under certain conditions, to deposit compensation for the landlord's share and to obtain proprietary rights over their holdings. The Ordinance also provided for appeal and revision.

18. Hard core of the problem persists.—Under the ordinance as issued in 1950, out of a total area of 637,331 acres held under occupancy tenures, by October, 1951, the Pepsu Government had dealt with an area of 312,195 acres. By the middle of April, 1952, this figure rose to 364,259 acres. In the districts of Fatehgarh, Kandaghat and Mohindergarh, action under the Ordinance has been almost completed and the problem of occupancy tenants, which was a relatively simple one in these districts, has been largely resolved. In Patiala, Barnala and Sangrur, the area already dealt with under the Ordinance is impressive, but the remaining area presents serious difficulty. The outstanding cases in Kapurthala will, however, be less difficult. It is in the Bhatinda District that the magnitude and intensity of the problem of occupancy tenants may be found at their worst. Broadly, it can be said that it has not been possible to enforce the Ordinance to any substantial extent in villages in which there have been long standing and bitter disputes between landlords and occupancy tenants. These account for 208 villages, involving 8,393 holdings and a total area of 143,252 acres. They are the hard core of the problem of occupancy tenants in Pepsu which continues to persist.

19. Thus, the real problem presented by occupancy tenants in Pepsu still remains to be solved. The legislation which has been enacted from time to time since March 1947 has proved ineffective in respect of those very centres of discontent which originally compelled the authorities of the former Patiala State to decide upon the abolition of landlord rights. Moreover, this legislation has been of the character of a series of halting measures to which the authorities were driven by the continued prevalence of agitation, non-recovery of dues by landlords and, in its turn, non-recovery of dues by the Government. Since the question of occupancy tenants has been before the Pepsu Government throughout the past five years and in point of urgency still remains the State's most important tenancy problem, we consider it necessary to recommend a review of the present legislation, although when our terms of reference were drawn up, it was hoped that this problem would not require special attention during our enquiry.

20. Need for a fresh approach.—As has been pointed out earlier, even though during the regular settlement of the Patiala State much was done to establish the legitimate rights of those whose status had fallen, on account of fortuitous circumstances, to that of occupancy tenants and tenants-at-will, there remains a margin of doubt in favour of the claims, at any rate, of some of those occupancy tenants who have urged over many years their claim to proprietary rights. The situation needs now to be approached afresh from two directions. In the first place, it is necessary to simplify and render easier the abolition of landlord rights in those cases in which the status of occupancy tenants is not questioned. In the second place, it is necessary to afford to occupancy tenants who claim to be proprietors of their holdings one more opportunity of establishing their rights. As we have said, we attach the greatest importance to a reasonable solution being found for the problem of occupancy tenants in the former Patiala State. Equally, having reached such a solution, we attach the greatest importance to its enforcement and implementation in a sustained and effective manner without further room for doubt or questioning and without fear or favour. In the past, every measure enacted for the abolition of *biswedari* rights has appeared to be but a temporary palliative. The execution of policy has thus always suffered. The revenue administration has not in fact had a fair chance to complete its work.

21. Recommendations for amending present legislation.—Although the existing legislation represents considerable improvement over the *Farman-i-Shahi* of March 1947, it appears to us to be defective in several ways. In pointing out the defects we shall also indicate our own suggestions:

- (1) A proportion of cases in which disputes between landlords and occupancy tenants have remained unresolved relate to occupancy tenants who were dispossessed or deprived of their rights for non-payment of rent in execution of decree by courts during the period of seven years preceding March 11, 1947, when relations between landlords and occupancy tenants rapidly deteriorated. The present legislation provides that occupancy tenants so dispossessed could exercise option to purchase the rights of the landlord, provided that they have deposited before January 1, 1951, the decretal amount for the realisation of which they were dispossessed or deprived. The date was subsequently extended by a few months. We consider that the payment of amounts decreed against occupancy tenants during

the period mentioned above should be regarded as a distinct and separate question to be dealt with under the ordinary processes of law and the benefits of the legislation for the abolition of *biswedari* should be extended to do so, the Partition Commissioner may proceed to the 11th March, 1940, and were dispossessed for non-payment of amounts decreed against them.

- (2) The present legislation provides that an occupancy tenant may declare his option to purchase the landlord's share and, on doing so, deposit within 15 days the total compensation due to the landlord and, if he fails to do so, the Partition Commissioner may proceed to divide the holding between the occupancy tenant and the landlord. Physical partition of a holding between the landlord and the occupancy tenants is an extremely cumbrous procedure, liable to lead to unfairness between the parties and to encourage corruption. In our view, it would be far better if the legislation were to provide for the vesting of proprietary rights in occupancy tenants and extinction of the rights of landlords in holdings under occupancy tenants and a suitable procedure for the payment of compensation were laid down. If this were done, the act of conferment of proprietary rights would be of an immediate character and long-drawn proceedings would be eliminated. This is the procedure followed recently in the Punjab occupancy Tenants (Vesting of Proprietary Rights) Act, 1951;
- (3) The compensation provided for under the present legislation includes: (i) arrears of rent; (ii) value of buildings; and (iii) compensation based on the amount of rent payable by the occupancy tenant. There is no reason why arrears of rent should not be kept distinct from compensation for the acquisition of the landlord's rights. We recommend that the amount of compensation should be independent of arrears of rent.

The buildings constructed by the landlord or at his expense need not enter into the compensation if they are merely *kacha* farm houses. Some direction to this effect appears necessary.

Apart from items (i) and (ii) above, compensation for the landlord's rights is calculated as a multiple of the land revenue in respect of the landlord's share in a holding as worked out in accordance with an elaborate scheme

which has been prescribed under the rules under the Ordinance [See Appendix I(3)]. Speaking generally, the scheme of compensation seems to us to be reasonable. We consider however, that the basis for assessing compensation in respect of *banjar* and *gair mumkin* land needs to be modified. The rules at present provide for compensation for *banjar* land not assessed to land revenue being reckoned at 50 times the land revenue assessable on the lowest *barani* class in the estate on the landlord's share. For *gair mumkin* land compensation is assessed as a multiple of 25. We would suggest the multiples for *banjar* and *gair mumkin* land being reduced respectively to 25 and 5 times the land revenue assessable on the lowest *barani* class in the estate on the landlord's share.

- (4) The present legislation does not make any provision for the payment of compensation otherwise than in a lump-sum payment. In the absence of facilities for long-term credit, we suggest that the procedure for the payment of compensation, after proprietary rights have been vested, should be for the landlord to apply to the Collector, in such form as may be prescribed, for the determination of the amount of compensation payable to him by the occupancy tenant. After the Collector has determined the compensation, it should be payable by the occupancy tenants in four six-monthly instalments spread over a period of two years. A provision for further instalments, if necessary, should also exist. This may follow the legislation in the Punjab which provides that the Collector may, "having regard to the amount of compensation or other reasons and after recording his reasons for so doing, allow the occupancy tenant to pay the compensation in such six-monthly instalments, not exceeding in any case six years, as he thinks fit". Where the occupancy tenant makes a default in the payment of compensation in accordance with the terms of the award, as provided in the Punjab legislation, the amount may be recovered as an arrear of land revenue.

22. Appointment of a Special Tribunal.—We consider that if the present legislation for the abolition of *biswedari* is modified on the lines we have proposed above and other consequential changes made, the enforcement of the legislation will be greatly facilitated and the number of disputed cases will be reduced to manageable proportions.

As we have suggested above, owing to the long period over which disputes between landlords and occupancy tenants in the former Patiala State have persisted and the fact that in the past the administration was strongly weighted in favour of, at any rate, the larger *biswedars*, it is desirable to give a fresh opportunity to occupancy tenants, who claim to be proprietors, to establish their rights. We, therefore, recommend the appointment of a Special Tribunal presided over by a Judge of the High Court and consisting of two other members, one of whom may be a judicial officer and the other a senior revenue officer. This Tribunal should be authorised to receive and decide finally upon applications for the recognition of the status of proprietary rights from occupancy tenants whose cases have been in dispute in any civil or revenue court since March 11, 1940. In principle, cases of occupancy holdings which have not been subject of dispute in a civil or revenue court since March 11, 1940, should now be regarded as closed. The Tribunal should, however, have the power, if it deems fit, to entertain an application in a case which has not been the subject of dispute during the prescribed period. The creation of the Tribunal would require legislation, which should confer the necessary powers upon it. The legislation could provide that within a period of, say, one year of the conferment of proprietary rights as recommended by us, an occupancy tenant, who fulfills the conditions laid down, may apply to the Tribunal. Since documentary evidence would frequently not be available, it will be necessary for the Tribunal to formulate other additional criteria for judging claims such as, for instance, whether the ancestors of a party were among the first known settlers of a village, etc.

23. Effect of amendments of decided cases.—Our proposals for amending the present legislation for the abolition of *biswedari* rights are necessarily more favourable to occupancy tenants than the *Farman-i-Shahi* of 1947 and the amended legislation introduced in 1949 and in 1950. The question, therefore, arises whether the benefit of those proposals can be extended to cases in which a final settlement has already been reached in accordance with the *Farman-i-Shahi* or the subsequent legislation. While we appreciate the arguments in favour of such a course, we consider that on the whole public interest will be better served if cases already decided in accordance with the prevailing law and by the agreement of the parties concerned are not now reopened.

CHAPTER IV

SPECIAL TENURES

24. **Problem of special tenants.**—In the former Faridkot, Kapurthala and Malerkotla States there were several types of tenants who held land under the Rulers. Ordinarily, they paid rents in cash but, unlike tenants-at-will, they were not liable to ejectment. Some action has already been taken by the Pepsu Government in respect of these tenants, but the problems presented by them have not yet been wholly resolved.

Faridkot State

25. **Special tenures in Faridkot.**—Five classes of special tenants existed in Faridkot State. The area held by each class was as shown below:

Class of tenure	Area (acres)
<i>Muzarian Shartiya</i>	... 52,038
<i>Muzarian Chakotedari Khas</i>	... 4,752
<i>Muzarian Tabia Marzi Malik</i>	... 1,671
<i>Muzarian Bila Tayan Sift</i>	... 634
<i>Muzarian Chakotedari Navtor</i>	... 1,874

Each class of tenure may be described briefly—

- (a) *Muzarian Shartiya*.—These were tenants paying cash rents ordinarily at the rate of twelve annas per rupee of land revenue. Under Act IV of 1907 of Faridkot, they could alienate their rights with the permission of the Government. Their rights were also hereditary. These privileges were in fact older than the legislation which formally conferred them.
- (b) *Muzarian Chakotedari Khas*.—Tenants enjoying the rights of *Chakotedari Khas* in virtue of Act IV of 1907 have all the rights of *Muzarian Shartiya*. Their rent is, however, fixed at Rs. 2 per ghamāon in addition to land revenue and remains in force for the period of a settlement.
- (c) *Muzarian Tabia Marzi Malik*.—These tenants pay rent at the rate of fourteen annas per rupee of land revenue in addition to land revenue. Their privileges are the same

as those of *Muzarian Shartiya*, but they were not protected under Act IV of 1907.

- (d) *Muzarian Bila Tayan Sift*.—These tenants were not protected by Act IV of 1907, but their privileges were similar to those of the three classes of tenants mentioned above. Originally it was held that the right of inheritance did not hold for this class of tenants, but it was later decided that their holdings should be heritable.
- (e) *Muzarian Chakotedari Nautor*.—These were tenants of Government land situated within individual holdings which were brought under cultivation by them and for which they paid cash rents at varying rates to the Government.

26. Conferment of occupancy rights.—By Notification No. 8-B, dated April 28, 1951, the Pepsu Government announced that the holders of the tenancies described above would be deemed to be occupancy tenants under Section 8 of the Punjab Tenancy Act, 1887. [See Appendix I(4).] In common with other occupancy tenants, they would thus be entitled to proprietary rights on the conditions prescribed by law.

27. Claims of Faridkot tenants.—This decision of the Pepsu Government is, however, questioned by those special tenants of the former Faridkot State who had land in which the Ruler of Faridkot was shown as being both superior and inferior landlord. They claim to be proprietors of the land under their occupation. Their contention is that during the Settlement operations which concluded in 1910 the Ruler of Faridkot was entered as superior landlord and in some cases as inferior landlord, and their status was reduced to that of tenants. Since then they have agitated for the recognition of their full rights. The total area of land involved is 15,255 acres and the value of the compensation involved is a little over Rs. 15 lakhs.

28. We have considered carefully whether the special tenants in Faridkot should be given an opportunity to establish proprietary rights in their holdings. A study of land tenures in the former Faridkot State and the manner in which they developed both before and after the settlement operations in the early years of this century suggests that the feudal influence of the Ruler played a predominant part in determining the rights of the cultivating communities. These feudal vestiges are wholly inconsistent with the spirit of the democratic institutions which have now been established. We are, therefore, of the view that it will not be appropriate for the Pepsu Government to step into the position of the landlord which the Ruler of Faridkot formerly held. Accordingly, we recommend that proprietary rights should be conferred, without payment of compensation,

upon the special tenants of the former Faridkot State. This measure may be taken with effect from July 1, 1952.

29. Application to Faridkot Ruler's land.—The rights of occupancy conferred by the Pepsu Government notification No. 8-B of April 28, 1951, would also devolve on holders of special tenancies in land in which the Ruler of Faridkot held the rights of an inferior landlord and which have been granted to him as personal property by the Government of India.

Kapurthala State

30. Special tenures in Kapurthala.—The special classes of tenure existing in the former Kapurthala State were:—

Class of tenure	Area (acres)
<i>Muzarian Darbandi</i>	... 2,219
<i>Muzarian Bardasht Sabaq</i>	... 2,287
<i>Muzarian Bardasht Jadid</i>	... 4,378
<i>Muzarian Bashara Parta</i>	... 2,439

- (a) *Muzarian Darbandi* are tenants who held land from the Kapurthala Government on payment of cash rents on lease for a period of ten years at a time. The lease was always renewed, although it was common at each renewal to enhance the rent in some measure. The tenancy was heritable with the permission of the Government, which was always given.
- (b) *Muzarian Bardasht Sabaq*.—Tenants holding this class of tenure have been in occupation since the early settlements and have paid cash rents at fixed rates. The tenancy is heritable, subject to the permission of the Government, which was always given.
- (c) *Muzarian Bardasht Jadid*.—This class of tenancy is much more recent than the three classes mentioned earlier. It was introduced with a view to encouraging cultivation of inferior lands. The tenancy is heritable and tenants pay fixed rates of rent.
- (d) *Muzarian Bashara Parta*.—These tenants have been in possession of their lands for considerable periods. They pay fixed rates of rent which have not been enhanced since the last settlement. The tenancies are heritable.

31. Conferment of occupancy rights.—The Pepsu Government have already by their Notification No. 8-B, dated April 28, 1951, announced the conferment of occupancy rights on these four classes of special tenants. [See Appendix I(5).] This concession has, however, not been extended to a class of tenants known as *Muzarian Nilam Parta*.

who held altogether 2,242 acres. These tenants came into possession of their lands when leases were auctioned and given over to the highest bidders. They correspond, in fact, to tenancies of *nazul* lands and can be dealt with accordingly. With the conferment of occupancy rights the special tenants of the former Kapurthala State do not now present any special problem.

Malerkotla State

32. Special tenures in Malerkotla.—In the former Malerkotla State, tenants described as *dakhilkars* held in fact rights equivalent to those of occupancy rights. The Nawab and his collaterals were entered in the records either as *khwanins* or as *jagirdars*. Out of every 100 rupees recovered from the *dakhildars* the *jagirdars* received Rs. 76 and the balance is credited to the Government. In nine villages, over an area of 2,483 acres, a class of tenants known as *muzarian maurusi* are shown under *dakhilkars*, but rent is payable to the *dakhildars* by *muzarian maurusi*.

33. The *jagirdars* submitted a memorandum to us urging that they should be treated as proprietors and that 76 per cent. of the amount collected from the *dakhilkars* should be treated as rent due to them and the balance treated as land revenue. The *jagirdars* also questioned the procedure of the Pepsu Government in treating *dakhilkars* as occupancy tenants entitled to the acquisition of landlord rights in their holdings.

34. We have not felt it necessary to make any specific recommendations on the subject of special tenures in the former Malerkotla State, as the existing law appears to be sufficient. Under Section 8 of the Abolition of Biswedari Ordinance, the Partition Commissioner has to enquire and determine whether or not any holding in any village or estate is a holding within the meaning of the Ordinance. The Ordinance prescribes a detailed procedure, whereby cases of *dakhilkars* and *muzarian maurusi* can be suitably dealt with.

Mahindragarh

35. Special tenures in Mahendragarh.—An area of 3,351 acres is held by *dholidars*, a class of tenure holders deriving their land from charitable gifts, the land revenue being paid by land owners. There does not appear to be any need for special action in respect of this class of tenants.

36. Summary.—The short account given in this chapter shows that for a number of categories of special classes of tenants the conferment of occupancy rights, which has already been done, is sufficient to meet the problem. For the exceptional case of Faridkot tenants, however, we have recommended that proprietary rights should be forthwith conferred.

CHAPTER V

RIGHTS OF SUPERIOR LANDLORDS

37. Superior rights of Rulers.—Rights of superior landlords in Pepsu fall into two categories, those held by Rulers and those held by others. The Rulers of Faridkot and Nalagarh were recorded as superior land owners over the entire area of their States. The next right-holder was described in both States as an inferior land owner. The total area under the Ruler's superior rights amounted to 490,392 acres in Faridkot and to 174,563 acres in Nalagarh. The Ruler of Faridkot levied a cess of 10 per cent. over and above the land revenue as rent from inferior land owners, but no such charge was made in Nalagarh. Both Rulers, however, enjoyed the rights of *fauti-frari*, that is, if an inferior landlord died without having an heir his rights were extinguished and the Ruler succeeded in preference to the village proprietary body. The inferior land owners were not liable to ejection under any circumstances and their rights were fully hereditary. With the merger of Faridkot and Nalagarh, the rights of the Rulers as superior landlords could no longer be sustained. Accordingly, the rights of superior landlords, including *fauti-frari*, devolved on the Pepsu Government from August 20, 1948, when the new Union was formed. By two notifications No. 14(17)-B/51-13-B and No. 14(17)-B/51-14/B, dated June 7, 1951, the Pepsu Government announced the conferment of proprietary rights on inferior land owners of the former Faridkot and Nalagarh States [See Appendices I(6) and I(17)]. The area allowed to the Ruler of Faridkot as personal property was, however, exempted from this declaration.

38. Other superior rights.—Apart from the superior rights held by Rulers, over a total area of 36,023 acres there are at present two categories of owners, inferior and superior. The distribution of this area is shown below:—

District		Total area (acres)
Barnala	...	15,828
Bhatinda	...	1,213
Fatehgarh Sahib	...	3,737
Kandaghat	...	1,744
Kapurthala	...	11,621
Mahindragarh	...	1,202
Patiala	...	678
Sangrur	...	—
	Total	36,023

Details of rent paid by inferior owners will be found in Appendix II(3). Inferior land owners are liable to pay a cess of $1\frac{1}{2}$ to 10 per cent. of the land revenue, in addition to the land revenue. Over an area of 4,008 acres their dues take the form of fixed payments in cash. Of the total area of 36,023 acres, no rent is at present paid in respect of 5,454 acres, and rent exceeds one anna per rupee of land revenue only in respect of 2,298 acres. Over an area of 21,397 acres the rent varies from 5 to $6\frac{1}{2}$ per cent. of the land revenue. Superior owners also enjoy the rights of *fauti-frari*.

39. Abolition of superior rights.—Superior owners have no specific function to perform and their rights have long been due for extinction. We recommend that the main provisions of the Punjab Abolition of Ala Malkiyat and Talukdari Rights Act, 1951, should be enacted in Pepsu. According to this law, which has recently come into force in the Punjab, rights of superior landlords have been abolished and full proprietary rights have been vested in inferior owners. Compensation has been fixed at eight times the amount of annual rent or other dues, if any, payable to the superior owner. Where the rent or other dues are payable wholly or partly in kind, the amount of the actual rent or other dues are calculated on the basis of the average of the price of the produce during a period of 15 years, commencing from June 1, 1935. A similar basis may be adopted in Pepsu.

CHAPTER VI

TENANTS-AT-WILL

40. Area held by tenants-at-will.—The Punjab and Pepsu have been comparatively late in enacting legislation for the protection of tenants-at-will. The main reason for this apparent lag in both States was the predominance of owner-cultivators and the influence exercised by the land-owning classes generally. In Pepsu, out of a total areas of 6,346,639 acres, 1,046,532 acres are held by tenants-at-will. If cultivated area alone is considered, out of 4,993,406 acres, only 1,011,333 acres are held by tenants-at-will. As a rule, many of these tenants held land for short periods. They might be owners in their own right, and, therefore, full-fledged members of the village proprietary body, who took land on lease from one another for reasons of convenience. This has long been a characteristic feature of the land system of the Punjab and Pepsu. In Pepsu, as against the total area of 1,046,532 acres held by tenants-at-will, only 375,960 acres are held by tenants-at-will, who do not possess land of their own. Their total number was reckoned at Kharif 1950 at 50,838. The statement at Appendix II(4) sets out details of area and rent for these tenants-at-will.

41. Need for tenancy reforms.—In recent years, largely in consequence of tenancy legislation in other parts of India, both in Punjab and Pepsu, the system of landlord-tenant relations based on goodwill and the acceptance of certain unwritten codes, has not functioned satisfactorily. There has been a tendency on the part of the larger landowners to oust their tenants or, even where cultivation has in fact been carried out by lease, to try and secure in the revenue records entries indicating cultivation by the owners themselves. On the part of the tenants also, there has been the expectation that cultivation of land as tenants-at-will was but a step towards more permanent rights and this motive has been a factor influencing the state of relations between landlords and tenants. The question of tenancy reform has also come to the fore on account of the quasi-permanent allotments of land to displaced owners from West Pakistan, many of whom were themselves cultivators and took the place of evacuee non-cultivating owners. A stage has therefore, been reached when reforms in the interest of tenants-at-will can no longer be delayed. The Punjab enacted its first piece of legislation, in the Punjab Tenants (Security of Tenure) Act, in 1950, and recently this Act has been

further modified in favour of tenants-at-will. The Pepsu Government have also recently enacted the Tenancy (Temporary Provisions) Act, 2008, which aims primarily at the prevention of ejectments of tenants-at-will pending the passing of more comprehensive legislation . [See Appendix I(8)].

42. Two categories of land reform measures.—Measures for the protection of tenants-at-will fall into two broad categories. In the first category may be included those measures which could be taken on the assumption that the essential features of the present land system will continue to exist, that is to say, whatever the restrictions on land-owners or the concessions in favour of tenants, land will continue to be held and managed in the form of individual holdings. In the second category may be included those measures which represent steps in the establishment of a new system of rural economy to replace the present system. The distinction between the two sets of measures is not always sharp, but it is in many ways an advantage to consider the two subject separately. Frequently, changes in the land system are made without proper consideration of their implications and their bearing on the pattern of agricultural economy which is sought to be created in the future. We propose, therefore, to refer in this chapter to those reforms affecting tenants-at-will which we consider essential in order to work the existing land system more equitably and in the greater interest of the rural population as a whole. In the following chapter we shall deal with some of those aspects which may be broadly described as reorganisation of the structure of the rural economy. The first group of measures are required to be taken immediately. The second group of measures need further public discussion and education and a considerable degree of trial and experiment, and their operation is likely to be extended over several years.

43. Place of the tiller in agricultural economy.—The central idea underlying recent proposals for agrarian reform is that the produce of the soil should belong to the tiller. The presence of intermediaries, of non-cultivating landlords and of rent-receivers is felt to be contrary to the interest of agriculture and of the rural population generally. To the extent to which land is cultivated by the owners themselves, the object is secured. Personal cultivation by owners has, however, been a vague phrase and includes cultivation by hired labour as distinguished from lessees and tenants. Moreover, there are large elements in the population who are landless and they can no longer be allowed to remain as a helpless and economically depressed section of the community. Thus, two strands of thought run side by side in recent tenancy reforms. On the one hand, the landlord's privileges and rights have to be reduced; on the other, the

status of the cultivator who is not himself the owner of land has to be improved.

44. Classification of measures of tenancy reform.—The steps which may be taken to establish a more equitable system of relationships between landlords and tenants may be broadly divided into four groups:

- (1) Limiting the rights of landlords;
- (2) Greater security for tenants;
- (3) Reduction of land rents; and
- (4) Improvement in the status of tenants.

There are other measures which further tend to reduce the position of the landlord and assign to the tiller a still larger role, but these fall more directly under proposals for the re-organisation of the rural economy.

45. Limiting the rights of landlords.—It is a common feature of recent tenancy reform to prescribe a maximum limit for the area which an individual owner may reserve for personal cultivation. Thus, Bombay which took the lead in this respect, proposed a limit of 50 acres. In the Punjab, in 1950, the limit was set at 200 acres or 100 'standard' acres but, within a year, the limit was reduced to 100 acres or 50 'standard' acres. In the temporary legislation which has been enacted in Pepsu, the limit for personal cultivation has been placed at 100 acres of land. It has been common also to propose the maximum limit for personal cultivation as the ceiling for future acquisition of land, but this aspect belongs more correctly to proposals for reorganisation of the existing land system to which we shall refer later.

46. Limit on personal cultivation.—Large holdings are a serious weakness in an agricultural economy if the owners are mere absentees who draw their rents but invest little in the land. There are several reasons why such absentee ownership should not be allowed. The object in proposing a limit on the area which may be retained for personal cultivation is, however, not so much agricultural improvement as the desire to provide greater protection to tenants. The limit for personal cultivation could be set on the basis of area required for mechanical cultivation by an individual farmer. In practice, however, if this criterion were followed, the number of tenants who would receive the protection would be insignificant. For this reason, wherever a limit on the area which may be reserved for personal cultivation by an owner is prescribed, the choice is necessarily arbitrary. In fact, once steps such as the imposition of a limit

on personal cultivation come to be considered necessary on general grounds, as distinguished from the needs of agriculture, it is inevitable that there should be rapid changes in the structure of relationships affecting land. Any particular limit has no intrinsic stability and, depending upon the balance of political forces and the judgment of those in power, the limit may be expected to undergo progressive reductions. In such a situation, unless a clear view is taken about the future organisation of agriculture and the land system which is to be established, measures which reduce the unit of management in land, unaccompanied by steps to increase the efficiency of agriculture, will almost certainly have adverse effects on production. The imposition of a limit for personal cultivation should, therefore, be regarded as a measure which cannot be avoided under existing conditions, but which does not in itself have more than a temporary value. With these qualifications we suggest that the limit for personal cultivation in Pepsu should be fixed at 100 acres. This proposal follows the recent legislation in the Punjab. In a joint holding of course the share of each co-sharer will be taken into account.

47. Enforcement of personal cultivation.—In the actual administration of a ceiling on the area which may be retained for personal cultivation, several problems may arise. The necessary provision for dealing with these has to be made in the tenancy legislation which may be enacted. We have referred already to the need to define self-cultivation carefully. The Bombay Tenancy and Agricultural Lands Act, 1948, which has been followed in several States, defines 'personal cultivation' as—

"Cultivation on one's own account—

- (i) by one's own labour, or
- (ii) by the labour of any member of one's family, or
- (iii) by servants on wages payable in cash or kind but not in crop share or by hired labour under one's personal supervision or the personal supervision of any member of one's family".

The Bombay legislation adds two explanations:

- (1) "A tenant who is a widow or a minor or is subject to any physical or mental disability shall be deemed to cultivate the land personally, if it is cultivated by her or his servants or by hired labour"; and
- (2) "In the case of an undivided Hindu family, the land shall be deemed to have been cultivated personally, if it is cultivated by any member of such family".

This definition may be adopted in Pepsu, although it differs slightly from the provision in the recent temporary legislation in Pepsu. If, within a year of reservation, a landowner does not engage in personal cultivation of the permissible area, the tenants cultivating his land should be entitled to cultivate for a period of not less than five years as recommended below. The landowner would, however, be in a position to resume land for personal cultivation at any time within the permissible limit according to the terms and conditions which may be prescribed. If any tenants should have been dispossessed on account of the reservation of land by the landowner for personal cultivation, their tenancies should be restored. On the other hand, if a tenant of area in excess of the permissible limit abandons cultivation or expresses in writing before a revenue officer his intention to abandon cultivation, the landowner may be permitted to cultivate the tenancy personally. Similarly, in the case of isolated fragments in excess of the permissible limit which no existing tenant may wish to cultivate, it should be open to the Collector of the district to permit the landowner to bring or retain under personal cultivation. A situation may arise in which a landowner fails to cultivate the permissible area either personally or by lease. In such an event, action should be taken under the State Fallow Lands Act or other appropriate legislation to ensure cultivation of the land.

48. Period of Tenancy.—Under the Punjab Tenancy Act, which applies to Pepsu, the tenant-at-will holds land only on a year to year basis. In the Punjab, legislation now provides that tenants-at-will cultivating land in excess of the area reserved by an owner for personal cultivation should have a tenure of not less than five years. We recommend that the term for all tenants-at-will should be five years. This should be subject to the right of a land owner to resume the land, after giving due notice, for personal cultivation. In the case of those owners who hold more than 100 acres of land, only 100 acres could be resumed for personal cultivation. Conditions for the termination of a tenancy may be laid down on the lines proposed in Section 3 of the Pepsu Tenancy (Temporary Provisions) Act, 200. (see Appendix I.8). We further recommend that our proposals extending the term of all tenants-at-will to five years, subject to the qualifications indicated above, should apply to evacuee lands equally with non-evacuee lands.

49. Protected tenants.—A small proportion of tenants-at-will in Pepsu have held land on lease continuously for long periods extending, in some cases, to a date prior to the last settlement. We, therefore, propose that tenants who have continued to hold land in an estate under the same landlord from a date prior to May 1, 1940, should be declared as protected tenants. Protected tenants should have the right to purchase land cultivated by them in the preceding

agricultural year. We suggest that this right should be exercised within a period not exceeding three years. The procedure prescribed by the Bombay Tenancy and Agricultural Lands Act, 1948, to facilitate purchase of land by protected tenants should, after necessary changes, be adopted in Pepsu. It is understood that in Bombay only a small proportion of protected tenants have so far exercised the option to purchase their tenancies. This may be because of lack of finance. It is, therefore, important that the State Government should extend financial assistance to protected tenants, so that they may purchase their tenancies. In addition, we recommend that in these cases in which the purchase price of land is fixed by a revenue court, it should be open to the court to determine the instalments in which the purchase price may be paid. We suggest that the legislation may allow payment up to a maximum of twelve six-monthly instalments extending over a period of six years. Following the Bombay Tenancy and Agricultural Lands Act, 1948, the protected tenant's option to purchase his holding will be subject to the right of the land-owner to reserve or secure the permissible area for personal cultivation.

50. Compensation for improvements.—With increase in the security of tenure, tenants-at-will and protected tenants will be able to undertake improvements of land which were not possible when they were liable to ejectment at the end of a year. Moreover in future, landowners are not likely, to any great extent, to undertake improvements on land held by protected tenants or by tenants enjoying security of tenure for a period as long as five years. It is, therefore, necessary to strengthen the incentive on the part of the tenant to invest in the improvement of his tenancy. The grant of adequate compensation for improvements effected by tenants should, therefore, be provided in the legislation which may be enacted.

51. Reduction of land rents.—Except in urban areas or in their neighbourhood land rent has been determined almost entirely by custom. Rents, therefore, vary widely according to local conditions. In Pepsu the distribution of rents paid by tenants-at-will who have no land of their own was as follows during Kharif 1950:

Rent	Areas (acres)
At revenue rates	471
Cash rent	102,238
One-half produce	99,388
One-third produce	1,026,566
One-fourth produce	24,900
Two-fifth produce	18,668
One-fifth produce	2,759
Composite (cash and kind)	969

The statement in Appendix I(4) gives further details. It is difficult to prescribe land rents too minutely, because they are influenced by a large variety of factors. In view of the fact that in the future, on account of tenancy legislation, the investment by the land owner in land held by tenants will diminish and the main responsibility for investment in land will fall upon tenants, we consider that one-third of the produce of land held in a tenancy or the value thereof should be regarded as the maximum rent which may be recovered from the tenant. With this rate as the maximum it may be expected that other rents will be adjusted in varying degrees. Revenue courts should also be empowered, upon application, to fix suitable rents in individual cases.

52. The Punjab Tenants (Security of Tenure) Amendment Act 1951, reduces the maximum rent payable by a tenant to one-third of the produce or the value thereof, but only in respect of area held above the permissible limit. That is to say, tenants holding land under owners who possess less than 100 acres or 50 "standard" acres are required to pay the customary rent or the rent agreed upon between the landowner and the tenant. We do not think that two distinct levels of rent can be maintained for any length of time for the same class of land, depending upon whether the tenant cultivates land under an owner who holds more or less than the limit prescribed for personal cultivation. We therefore, recommend that the maximum limit of rent which we have proposed should apply uniformly to all tenancies, variations below the maximum being dependent upon the condition of the land and other factors requiring local adjustment. Subject to this modification, we recommend the adoption by Pepsu of a provision on the lines of Section 7 of the Punjab Tenants (Security of Tenure) Amendment Act, 1951, which reads as follows:—

"7. Amount of rent—(1) Notwithstanding anything contained in the Punjab Tenancy Act, 1887 (Punjab Act XVI of 1887), or in any agreement of usage or any decree or order of a court, the maximum rent payable by a tenant for any land held by him as such shall not exceed one-third of the crop of such land or the value thereof as determined in the prescribed manner.

"(2) In computing the maximum rent payable by a tenant, such portion of the rent, if any, as represents the consideration for services or facilities provided by the landlord in relation to the land shall not be taken into account.

"Explanation—Where the portion of the rent payable for such services or facilities has not been specifically provided for in the agreement between the parties, it shall be computed having regard to the usage of the locality, and if there is no such usage, having regard, amongst other matters, to—

- (a) the amount by which the value or the produce of the tenancy or the value of that produce is increased by such services or facilities;
 - (b) the condition or nature of the services or facilities and the probable duration of their effects;
 - (c) the labour or capital required for the provision of such services or facilities.
- "(3) Subject to the provisions of sub-sections (1) and (2), the amount payable by a tenant shall be such as has been agreed to in writing between the landlord and the tenant, and in the absence of any such agreement, the customary rent for similar land prevalent in the tehsil in which the land is situated".*

The proposals above will apply to evacuee as well as non-evacuee lands.

53. In making our recommendations for tenancy reforms we wish to emphasise once again that no set of reforms, whether they are in the nature of palliatives or in the nature of changes in the structure of the agrarian economy, can be effectively implemented and sustained without a satisfactory system of revenue administration. We would, therefore, urge the Pepsu Government to give special attention to this aspect of the programme recommended by us.

54. In this chapter we have outlined a number of measures aimed at affording greater security to and reducing the burdens of, tenants-at-will and also at offering special opportunities to old tenants to become owners of their holdings. In the next chapter we shall set out proposals for a more fundamental approach to the development of the rural economy of Pepsu. As we have pointed out, while various measures of tenancy reform are essential in the present circumstances, they do not by themselves offer an adequate solution of the basic weaknesses with which the rural economy has to reckon.

CHAPTER VII

REORGANISATION OF THE RURAL ECONOMY

55. General considerations.—We have referred to the distinction between measures of land reform based on the assumption that the present land system would continue and other measures which were designed to help the establishment of a new system of rural economy. The recommendations which we have so far made fall into the first category; indeed this is true also of measures of land reform which have been hitherto taken or proposed in other parts of the country. These measures are largely derived from considerations such as the need to eliminate absentee ownership, the importance of the tiller of the soil receiving the fruits of his labour and, finally, the need to reduce inequalities in the distribution of land. It is now widely felt that whatever the economic justification for large and well-managed individual farms, a system in which a substantial proportion of the rural population is without land or subsists on very small and uneconomic holdings is no longer tenable. On the other hand, it is also realised that redistribution of land, however far it may be carried, does not by itself increase the productive resources of the rural economy. If agriculture is to be organised as an efficient industry and those sections of the rural population which are submerged in poverty and want are to be uplifted, it is essential to reorganise the rural economy on cooperative lines. The stages and the forms in which this object may be promoted will depend upon various factors—political, administrative and economic—which are bound to vary in different parts of India. On the main conclusion, however, there can now be little doubt.

56. The economic Background.—Pepsu, with a population of 3,493,685, and an area of 10,078 square miles has a density per square mile of 347. This is slightly higher than the density of 338 per square mile in the Punjab and exceeds the average density of India which is 303 persons per square mile. Of its population, 82.7 per cent. live in rural areas and are dependent on the land. Of its total area of 6,346.639 acres, 453,408 acres are unculturable. Of the cultivated area of 4,933,406 acres, about a third is irrigated. The scope for expansion of cultivation is limited to the culturable waste area of 899,825 acres. Some of this area can no doubt be brought under cultivation, but, as there has yet been no survey, the extent to which new land may be available and the cost at which it could be

developed are not known. With the fruition of the Bhakra-Nangal project, the prosperity of the State will be considerably enhanced. The general standard of agriculture is fairly high and the bulk of the cultivators are industrious. Although parts of Pepsu are very densely populated, the State as a whole has considerable potential for agricultural development and, in virtue of the power that is expected to become available, is also favourably placed for the development of small industries.

57. Present distribution of land.—The distribution and size of holdings in Pepsu are set out in three statements in Appendix II, Statement II (5) gives the number of holdings in different groups in each district of Pepsu; Statement II (6) gives for each district the area comprised in each group; and Statement II (7) gives the area comprised in each of the groups above 50 acres. The facts regarding the distribution of land in Pepsu are summarised in the Table below:

Group	Number of holdings	Area (Acres)	Percentage of holdings	Percentage of area
Under 1 acre	92,434	71,196	17.6	1.1
1 acre and above but under 3 acres	79,533	187,446	5.2	3.0
3 acres and above but under 5 acres	54,438	259,157	12.3	4.1
5 acres and above but under 10 acres	92,768	680,100	17.7	10.7
10 acres and above but under 15 acres	63,864	822,991	12.2	13.0
15 acres and above but under 20 acres	43,094	748,622	8.2	11.8
20 acres and above but under 25 acres	31,613	659,855	8.0	10.4
25 acres and above but under 50 acres	29,045	1,407,304	7.5	22.2
50 acres and above	17,525	1,504,968	3.3	23.7
Total	524,314	6,341,639	100.0	100.0

The area comprised in holdings above 50 acres is found in the following groups.

Group	Area (Acres)	Percentage of total area of the State.
50 acres or above but less than 100 acres	735,191	1.16
100 acres or above but less than 200 acres	328,443	5.2
200 acres or above but less than 500 acres	214,375	3.4
500 acres or above but less than 1000 acres	92,997	1.5
1000 acres or above	133,962	2.0
Total	1,504,968	23.7

In spite of the fact that 12 per cent of the area is comprised in holdings exceeding 100 acres, it can be stated broadly that the distribution of land in Pepsu is fairly widely dispersed, as is to be expected from a predominantly peasant tract. Although 46 per cent of the area is to be found in holdings above 5 and below 25 acres, it is in the upper ranges that there are indications of undue concentration.

58. The further directions in which measures of land reform have now to be considered are:

- (1) restrictions on alienation of land;
- (2) restrictions against subdivision of holdings;
- (3) restrictions against lease of land;
- (4) imposition of a ceiling on agricultural holdings; and
- (5) measures for reorganising the economy on cooperative lines.

As was explained earlier, the structure of relationships affecting land is bound to change rapidly once a limit comes to be placed on the area which may be reserved for personal cultivation. Other recommendations follow from this initial step. Their major justification arises from the fact that they are intended to lead by stages to the creation of a new system of agricultural organisation and land relationships. If the organic connection between the means and the objective is continually kept in view and care is taken to provide the conditions under which, despite restrictions on existing holders of land, agricultural production does not suffer, it should be possible to complete the process of land reform without injuring the interests of the economy as a whole.

59. **Restrictions on alienation.**—Under the Punjab Land Alienation Act, 1901, which was also applied to Pepsu, transfer of land from agricultural to non-agricultural tribes was restricted. The distinction between agriculturists and non-agriculturists being no longer tenable under the Constitution, that legislation has been repealed. In line with our other proposals for strengthening the position of the tiller of the soil we recommend that alienation of agricultural land in favour of non-cultivators for agricultural purposes should be restricted. For this purpose personal cultivation will be defined on the lines explained in paragraph 47 of this report. With the permission of the Collector, a non-cultivator may purchase agricultural land for agricultural purposes, provided he proposes to undertake personal cultivation within one year in the case of land already under cultivation, and within three years in the case of land not at present under cultivation. Restrictions against

lienation in favour of non-cultivators need not, however, apply to urban areas.

60. Restrictions against subdivision of holdings.—Pepsu has already enacted legislation on the lines of the East Punjab Holdings Alienation and Prevention of Fragmentation) Act, 1948. Under his legislation the Government has the necessary powers to consolidate holdings and also to restrict the transfer or lease of fragments. We understand that the Pepsu Government have already begun to implement a five-year programme for consolidating holdings in the State, although the clauses relating to transfer of fragments have not yet come into force.

61. Restrictions against lease of land.—In recent tenancy legislation in a number of States attempts have been made to prevent leases of land. We are not at present in favour of restrictions on leases mainly for two reasons. In the first place, as we have recommended in paragraph 48, the period of lease will be not less than five years in respect of the area in excess of that reserved by an owner for personal cultivation. It will also be explicitly provided that in the case of those owners whose holdings fall short of the limit prescribed, if they do not engage in personal cultivation and lease out their lands, the tenancy should be for a period of five years, subject to the right of the owner to resume cultivation of his own land. Secondly, in common with the Punjab, in Pepsu, numerous individuals join the defence forces or move out to other occupations. Restrictions on lease of land will tend to interfere with recruitment to defence forces and will come in the way of free movement from agriculture to other occupations and from the village to the town.

62. Imposition of ceiling on agricultural holdings.—We now turn to certain aspects of land reform on which so far there has been so little public discussion and on which public opinion in the country generally and, in particular, in Pepsu, has not yet crystallized. Some of these are also aspects of which the full implications are not yet understood. Our recommendations are, therefore, designed to indicate the direction in which agrarian reforms may now be guided rather than the precise terms in which they should be initiated.

The question whether there should be a ceiling on agricultural holdings has been discussed in a number of reports dealing with land reform. It must be conceded that large inequalities in the distribution of land can lead to a great deal of social and economic instability and are an obstacle to economic progress. The plea is, however, frequently advanced that attempts by the State to reduce inequalities of wealth in the rural sector should be part of a general

programme for more equitable distribution which will, in due course, extend to every sector of the economy. We believe that large inequalities in the distribution of wealth or in the distribution of income can no longer be justified or sustained. Since the rural sector is the most significant for the bulk of the population, it appears to us appropriate that measures for reducing inequalities should begin with property in land. We are, therefore, in principle, in favour of the imposition of a ceiling on agricultural holdings.

63. Need for fundamental reorganisation.—The imposition of ceiling on individual holdings is symptomatic of the changing agrarian conditions. It denotes that hereafter large estates cannot justifiably continue to exist. The social and economic significance of a ceiling depends, however, on the totality of agrarian changes of which the limit on holdings is but one constituent element. If a limit on agricultural holdings were placed and land in excess of it taken into a pool and distributed among landless cultivators or small farmers without any other accompanying changes in the system of agricultural organisation, the influence on the rural structure and on the basic problems of the rural economy would be relatively small. There would be more equitable distribution, but no new dynamic element would have entered into the agricultural economy. Moreover, any limit imposed would essentially be unstable. Inevitably such a limit would be subject to repeated reductions as a result of political and other pressures. The pressure of population on land, the large proportion of uneconomic holdings, differentiation between the landless and those who have land and the deficit character of agriculture would remain as before. A proposal to impose a ceiling on agricultural holdings must, therefore, be conceived in all its aspects as part of a comprehensive programme of reorganisation of the rural economy aiming at once at greater efficiency in agricultural operations, greater social justice and greater ability to develop new forms of work and services so as to increase the total available employment.

64. If large inequalities in the distribution of land are no longer tenable, equally the economically backward position occupied in the village structure by the landless and the labouring classes can be no longer justified. The urge for equality of opportunity, for a better standard of living, runs through all section of the community. It is, therefore, imperative that the problems of reconstruction of the rural society should be viewed from this larger angle. The changes that have to be brought about should be capable of producing a sound economic system which ensures in rapid stages a reasonable measure of equality of opportunity to all sections of the

community, irrespective of accidents of birth or of opportunities enjoyed in the past. The reforms called for are, therefore, far wider in their sweep and conception than the imposition of a ceiling on individual holdings at an agreed or accepted level. It is, necessary, then, to take a full measure of the change that has to be achieved, determine the stages by which the goal is to be reached and, by demonstration and mass education, to prepare the people psychologically and otherwise to change over to a new system of organisation which will take the place of the present system.

65. Cooperative village management.—The objectives which have been indicated above can best be realised through reorganisation of the agricultural economy on cooperative lines. For this reason, in the Draft Outline of the First Five Year Plan the Planning Commission commended the establishment of a system of cooperative village management as the central aim in the reorganisation of the rural economy. Cooperative village management was proposed as the ultimate objective, but, since the Draft report was published, the various problems have gained in urgency and the tempo of change has to be greatly quickened. Some intermediate stages which were originally conceived by the Planning Commission, such as registration of large farms and encouragement of small co-operative groups have to be modified. Instead, administrative and other measures have to be taken in order that cooperative village management should be a practical and an immediate answer to the present agrarian situation.

66. The conception of cooperative village management is derivated from certain basic propositions. These are:

- (1) The rural economy has to be so organised that there is effective redistribution of wealth and income in which all sections of the village community share. It is not sufficient to take over a portion of the property of a small section of the population, perhaps even to redistribute it, and yet leave the bulk of the people in the same condition of economic advantage or disadvantage as before.
- (2) Land reform measures which assume the continuance of individual holdings and yet make successful individual economic enterprise impossible tend to drive out from the village some of those very elements of the population which are capable of contributing capital, organising ability, initiative and a progressive outlook. On balance, for a period at any rate, production suffers while no great benefit to the poorer section of the community

may accrue. Under cooperative village management, while social and economic adjustments are to be brought about, the interests and need of the village community are viewed as a whole. Adjustments in social status and economic opportunity are in the nature of internal reorganisation within a continuing and organically stable village community. They are not the weapons of class warfare; instead they seek to produce a community with new social values and incentives, which is democratic in character and attempts to secure social and economic equality for all its members. The resources of the village and its entire manpower are viewed together. The responsibility for providing employment and opportunity extends to all sections of the village community. While cultivation of land is the prerogative of the tiller, employment on land is considered as only one, although no doubt a predominant, form of employment open to different members of the community.

- (3) To fulfil this concept of the village community the village has to be the unit of economic management. For certain functions several villages may have to cooperate and form larger groups. For the bulk of rural operations the village is a well-established and recognised unit. In particular, for agricultural operations, on which other activities depend, it is best to regard the entire land of a village as the unit for cooperative management.
- (4) Cooperative village management is not synonymous with cooperative farming. Increase in the unit for farm operations is a much slower process. The most convenient unit at any time will depend upon local conditions, the current techniques of agriculture, the managerial ability which may be available and the system of rotation of crops. So long as the practice of agriculture is largely based on the plough and the bullock, the family is the natural unit for farm work. As technical improvements take place, for an increasing number of operations, larger units may be required. Individual families may cooperate in various ways so as to reduce their costs of cultivation. For purposes like the reclamation of land, cultivation of particular crops or cattle breeding, from the very beginning larger

areas than family units may be needed. Within a framework of cooperative management, therefore, there has to be a great deal of flexibility and a process of gradual growth and development, the various operations being organised from time to time according to the best interests of the village and the national economy.

- (5) In order that the village community may continue to retain the interest and cooperation of all its members, whether holders of land or otherwise, it is proposed that there should be some return on account of the ownership of land and other resources contributed to the village at the time of instituting cooperative management as distinct from the return due to work. This return to ownership is described as 'ownership dividend'. When cooperative management is established, there is a separation between the individual's right of ownership and his right to manage and do what he chooses with his property. The land and the other resources of the village have to be put to the best use possible. Land has to be cultivated by those who are tillers of the soil. Those owners who cultivate with their own hands will continue to do so. They will receive a return for work in addition to the return for their ownership. An owner who does not cultivate will be entitled to receive only a dividend on account of his ownership. This will be his claim on the village. The principle of an ownership dividend ensures that those owners of land who do not cultivate and whose land now comes under cooperative management still continue to have a place and a function within the village community. In turn, they have obligations to discharge. Wherever they may be and whatever vocations they may be pursuing, they continue to regard the village as their home, to return to it from time to time and retain a steady link. Thus, in its wider aspect, the village community retains within its fold all members, whether they live and work in the village or elsewhere, whether, prior to cooperative management, they were big landlords or small farmers or merchants or artisans. In translating into the terms of land reform such a broad conception of the village community, new ideas and new resources will continue to influence and strengthen the life and economy of the village even as all the land and resources of the village are primarily

used and developed for the benefit of those who live and work there.

- (6) The principle that an individual may not own more than a certain area of land comes into operation when the system of cooperative management is established for a village or a group of villages. It takes the form of title to an ownership dividend on an area of land up to the maximum holding which may be determined. Thus, on the one hand, the idea of allowing an ownership dividend within a system of cooperative management is not intended to strengthen or perpetuate any vested interests. On the other hand, the application of a ceiling conceived in relation to cooperative village management avoids the necessity of taking over scattered plots of land in excess of the prescribed limit and attempting to lease them out or to distribute them among small cultivators or landless agricultural labourers, a process which is calculated to reduce agricultural productivity. That is to say, with the institution of cooperative village management, ownership in excess of a prescribed limit is extinguished and only such ownership is recognised as falls within the limit.
- (7) The legislation establishing cooperative village management in any State would provide for a scheme of compensation and propose the manner in which compensation is to be paid. According to such a scheme land in excess of the ceiling could be dealt with. The law could also provide that if an owner wished to surrender his existing dividend, the village community could compensate him. It might also be open to the village community under the law to decide upon the termination of the ownership dividend after the payment of compensation to individual owners.

67. The main features of cooperative village management have been outlined, the next question is how the change is to be brought about. We regard cooperative village management as the vital part in land reform which follows immediately upon the various measures of protection for tenants of different kinds which we have proposed in earlier chapters. We attach the first priority to effective implementation of the tenancy reforms. As soon as necessary legislative and executive measures for tenancy reform are well in hand the stage will be set for the enactment of a bill for the establishment of co-operative village management. The

would provide for such matters as the procedure for the introduction of cooperative management, the determination of the ownership dividend, the constitution of the village organisation, the scheme of compensation, etc., etc. We propose that if a majority of the owners and permanent tenants in a village who hold at the same time more than one-half of the land of the village decide in favour of cooperative village management, the Government should take steps to provide the necessary measures and assistance to establish the new system. In reckoning individual holdings, account would be taken only of the area held below any maximum limit that may be prescribed. Within the frame-work of cooperative management, it will be open to the village community to arrange for cultivation of the land in family units, in small cooperative groups or such other ways as may be in their common interest. It will be necessary for the State Government to train staff for helping villages which adopt the new system and also to give whatever technical and financial assistance be possible. In brief, having given to village communities the opportunity of determining their organisation, it will be for the State Government to take every possible care to assist in the fulfilment of the land reform programme. Within a period of perhaps ten years the process of reorganisation should be completed.

68. Maximum holding.—The proposals for cooperative village management provide for a ceiling on individual holdings as well as for further stages of land reform. At what level the ceiling should be placed is a matter for the determination of the State Government. We consider that on the introduction of cooperative management a ceiling of about 100 acres or 50 "standard" acres as defined for the purpose of resettlement of displaced persons in Punjab and Pepsu will be a fair level to aim at.

69. Special farms and State farms.—There are certain well-developed farms of substantial size belonging to individual owners which need to be kept intact in the general interest of agricultural development. Some of these farms specialise in particular fields, such as horticulture or breeding of pedigree cattle or seed production. Such farms can play a valuable part in the reorganised rural economy. We propose, therefore, that, in the first instance, such farms should be maintained by their owners on special conditions to be prescribed by the Government, but later they may be acquired and turned into State farms.

CHAPTER VIII

SUMMARY OF RECOMMENDATIONS

70. The following are the principal recommendations made in the report:—

- (1) *Evacuee Lands*: In respect of tenancy reforms evacuee lands should continue to be treated as a category apart from other lands until allottees obtain full ownership. There are, however, certain exceptions to this rule.
- (2) *Occupancy Tenants*: The present legislation regarding occupancy tenants should be reviewed. The abolition of landlord rights in those cases in which the status of occupancy tenants is accepted should be made easier. On the other hand, occupancy tenants who claim to be proprietors of their holdings should be afforded one more opportunity of establishing their rights. While it is important to provide a reasonable solution for the problem of occupancy tenants in the former Patiala State, it is also extremely important to enforce and implement the decisions in a sustained and effective manner without further room for doubt and question and without fear or favour. To this end, it is recommended that—
 - (i) the benefits of the *biswedari* abolition legislation should be extended to those occupancy tenants who held the rights on March 11, 1940, and were dispossessed for non-payment of amounts decreed against them;
 - (ii) instead of the option to acquire proprietary rights being left to occupancy tenants and the possibility of physical partition of a holding, the legislation should provide for the vesting of proprietary rights in occupancy tenants and extinction of the rights of landlords holding no occupancy tenants without a suitable procedure for the payment of compensation;
 - (iii) the amount of compensation due to a landlord should not include arrears of rent due to him. As regards buildings, *kacha* farm houses should not be considered for compensation. Compensation to the landlo-

for *banjar* and *ghair mumkin* land should be reduced from the present level of 50 times and 25 times respectively of the land revenue assessable on the lowest *barani* class in the estate on the landlord's share to 25 and 5 times.

- (iv) Compensation to the landlord should be payable in four six-monthly instalments spread over a period of two years, but the Collector may allow the occupancy tenant to pay the compensation in six-monthly instalments over a period which may extend to six years; and
 - (v) A Special Tribunal presided over by a Judge of the High Court and consisting of two other members, one of whom may be a judicial officer and the other a senior revenue officer, should be set up. The Tribunal should be authorised to receive and decide finally upon applications for the recognition of the status of proprietary rights from occupancy tenants whose cases have been in dispute in any civil or revenue court since March 11, 1940. The Tribunal should, however, have the power, if it deems fit, to entertain an application in a case which has not been the subject in dispute during the prescribed period.
- (3) *Special Tenures.*—(i) Proprietary rights should be conferred by the Government of the Patiala and East Punjab States Union, without payment of compensation, upon the special tenants of the former Faridkot State who held land in which the ruler of Faridkot State was shown as both superior and inferior landlord. This measure may be taken with effect from July 1, 1952;
- (ii) Rights of occupancy conferred by the Government of Patiala and East Punjab States Union by Notification No. 8-B of April, 28, 1951, on special tenants of the former Faridkot State should also devolve on holders of special tenancies in land in which the ruler of Faridkot held the rights of an inferior landlord and which had been granted to him as the personal property by the Government of India.
- (4) *Rights of superior landlords.*—The rights of superior owners should be abolished on payment of compensation amounting to eight times the amount rent or other dues, if any, payable to the superior owner.

- (5) *Tenants-at-will.*—(i) 100 acres should be fixed as the limit of the area which an individual may reserve for personal cultivation. Detailed suggestions on the administration of the proposal are made;
- (ii) The period of tenancy for all tenants-at-will should be five years. This will be subject to the right of a land owner to resume the land, after giving due notice, for personal cultivation. In the case of those owners who hold more than 100 acres of land, only 100 acres could be resumed for personal cultivation. This recommendation should apply to evacuee lands as well as non-evacuee lands;
- (iii) Tenants-at-will who have continued to hold land in an estate under the same landlord from a date prior to May 1, 1940, should be declared as "protected tenants". Protected tenants should have the right, within a period of three years, to purchase land cultivated by them in the preceding agricultural year. They should be given financial assistance to purchase their tenancies. Where the purchase price is fixed by a revenue court, the latter may allow payments up to a maximum of 12 six-monthly instalments extending over a period of six years. The protected tenant's option to purchase his holding will be subject to the right of the land owner to reserve or secure the permissible area for personal cultivation;
- (iv) Legislation should provide for the grant of adequate compensation for improvements effected by tenants. One-third of the produce of land held in a tenancy of the value thereof should be regarded as the maximum rent which may be recovered from the tenant. This maximum limit of rent should apply uniformly to all tenancies, whether below or in excess of the limit prescribed for personal cultivation. This recommendation will also apply to evacuee lands.
- (6) *Reorganization of the Rural Economy.*—(i) The alienation of agricultural land for agricultural purposes in favour of non-cultivators should be restricted by legislation;
- (ii) The Committee favours, in principle, the imposition of a ceiling on existing agricultural holdings, but recommends that such a ceiling should be a part of comprehensive programme of reorganisation of the rural economy. The Committee proposes that steps should be taken to reorganise the agricultural economy on the basis of

a system of cooperative village management over a period of five to ten years. With the institution of co-operative village management ownership in excess of the prescribed limit is to be extinguished and only such ownership is recognised for purposes of the grant of ownership dividend as falls within the limit. The Committee suggests a limit of 100 acres or 50 "standard" acres, and proposes that if the majority of owners and permanent tenants holding more than one-half of the land of the village (subject in each case to the ceiling) are in favour of cooperative management of the land of a village, the Government should take steps to provide the necessary measures of assistance to establish the new system.

- (iii) A limit of 100 acres is also proposed as the ceiling for future acquisition of land;
- (iv) To provide for certain well-developed farms of substantial size belonging to individual owners which need to be kept intact in the general interest of agricultural development, it is proposed that such farms should be maintained by their owners on special conditions to be prescribed by the Government and later they may be acquired and turned into State farms.

71. Acknowledgments.—The Committee wishes to place on record its appreciation of the assistance which it has received from its Member-Secretary, Sardar Lal Singh. He has carried the main responsibility for collecting the information required by the Committee and his knowledge of the land tenure problems of Pepsu as well as of the Punjab has been of considerable value to the Committee.

C. S. VENKATACHAR, *Chairman.*

J. M. SHRINAGESH, *Member.*

TARLOK SINGH, *Member.*

LAL SINGH, *Member-Secretary*

June 7, 1952.

APPENDIX I

LEGISLATION

- I. (1) Farman-i-Shahi dated March 11, 1947.
- I. (2) The Pepsu Abolition of Occupancy Tenures and settlement of Land Disputes Ordinance, 2006. (Ordinance No. XXIII of 2006, dated August 15, 1949).
- I. (3) The Pepsu Abolition of Biswedari Ordinance, 2006 Bk. (Ordinance No. XXIII of 2006 Bk. as amended by Pepsu Ordinance No. XXXVI of 2006 and Pepsu Act No. IV of 2007).
- I. (4) Government of Pepsu, Revenue Department Notification No. 8-B dated April 28, 1951.
- I. (5) Government of Pepsu, Revenue Department, Notification No. 14(17)-B/51-13-B dated June 7, 1951.
- I. (6) Government of Pepsu, Revenue Department, Notification No. 14(17)-B/51-14-B, dated June, 7, 1951.
- I. (7) The Pepsu Tenancy (Temporary Provisions) Act, 2008. (Act No. XXX of 2008).

APPENDIX I (1)

FARMAN-I-SHAHI

No. 6 Date Motibagh Palace, Patiala, the 11th March, 1947.

The relations between landlords and occupancy tenants in the State have been progressively deteriorating in recent years. The occupancy tenants have been resisting the payment of Batai and cesses which under the existing law they are bound to pay, and the landlords on their side have refused to make any change in the existing terms which are no longer suited to the changed social and economic conditions.

We have watched the situation with anxiety and have offered our advice from time to time to both parties in the hope that a compromise might be effected between them and that in this way the mutual goodwill, that had at one time existed but was being fast dissipated, might once again be restored.

Our hopes, however, have been disappointed and our efforts at compromise have failed.

In the meantime the situation has been steadily deteriorating and acts of lawlessness resulting from the dispute have been on the increase.

After giving the matter our most careful consideration, we are satisfied that the time has come for decisive action. We have decided, therefore, that in the interests of the preservation of peace and the restoration if possible of mutual goodwill between these two sections of our people, the relationship of landlord and occupancy tenant must come to an end. The lands now held in occupancy rights in the State will be apportioned as follows:—

1. In the case of occupancy rights under section 5 of the Tenancy Act, one-third to the landlord and two-thirds to the tenants.
2. In the case of occupancy rights under sections 6 and 8 of the Tenancy Act, two-fifths to the landlord and three-fifths to the tenant.

The lands so apportioned will be held in full ownership by the landlords and tenants respectively. They will, also acquire corresponding rights in Shamlat Deh.

We are satisfied from the advice rendered to us by our Cabinet, from the information at our disposal, and from the personal talks

that we have had on various occasions, both with the landlords and the occupancy tenants, that this decision represents the largest measure of agreement between the parties concerned and is under the circumstances the most just and fair settlement of this problem.

We desire that this decision should be given effect to with the least possible delay and have, therefore, ordered the employment of special extra Revenue staff for the purpose of effecting the necessary partition as between the landlords and the occupancy tenants in the various villages affected. It is our desire that this staff should complete the whole work within one year and we should like the work of consolidation of holdings to be undertaken along with the work of partitioning of these lands wherever it can be done without causing delay. We are determined that the whole work must be completed within one year. The special staff shall also arrange for all arrears due to the Biswedars to be paid to them.

Instances have been reported to us where tenants-at-will, taking advantage of the friction between landlords and occupancy tenants, have committed acts of lawlessness against landlords, such as taking the status of tenants-at-will bears no comparison to that of occupancy tenants. They are bound by the conditions of their agreements from time to time with the landlords. Acts of lawlessness on their parts will be severely dealt with under the law.

MAHARAJADHIRAJ YADAVENDRA SINGH

MAHENDRA BAHDUR.

APPENDIX I (2)

*Vol. No. 2. Patiala, Monday Sawan 31.2006/August 15, 1949 No. 40
G. N. S. 480.*

LAW DEPARTMENT

The Patiala and Est Punjab States Union Abolition of Occupancy Tenures and Settlement of Land Disputes Ordinance, 2006.

ORDINANCE NO. XXIII of 2006.

AN

Ordinance to amend and consolidate the law regarding abolition of occupancy tenures and settlement of disputes between occupancy tenants and landlords as contained in Farman-i-Shahi No. 6 dated the 11th of March, 1947.

Whereas His Highness Shri 108 Maharajadhiraj Mahendra Bahadur of Patiala State promulgated Farman-i-Shahi No. 6 Dated. Motibagh Palace, Patiala, the 11th of March, 1947, with a view to the restoration in the erstwhile PATIALA STATE of amicable relations between the landlords and their occupancy tenants and removing the causes of disputes between them and providing for apportionment of lands between the landlords and their occupancy tenants in the ratio of one-third and two-third in the case of occupancy rights under section 5 of the Tenancy Act and two-fifth and three-fifth in the case of occupancy rights under sections 6 and 8 of the said Act;

And whereas it is expedient to amend and consolidate the law is contained in the aforesaid Farman-i-Shahi and in the interest of peace and good government to abolish the occupancy tenures in the Patiala and East Punjab States Union in the light of the aforesaid Farman-i-Shahi and to provide for other ancillary matters;

Now, therefore, in exercise of the powers conferred by the proviso to paragraph (2) of Article X of the Covenant entered into by the Rulers of the East Punjab States as amended by Article I of the Supplementary Covenant, the Rajpramukh is pleased to make and promulgate the following Ordinance:—

PART I

PRELIMINARY

1. *Short title, extent and commencement.*—(1) This Ordinance may be called the Patiala and East Punjab States Union Abolition of Occupancy Tenures and Settlement of Land Disputes Ordinance, 2006.

(2) It extends to the whole of the Patiala and East Punjab States Union.

(3) It shall come into force on the date of its publication in the official Gazette.

2. *Definitions.*—(1) In this Ordinance, unless there is anything repugnant in the subject or context:—

- (a) “arrear of land revenue” means land revenue which remains unpaid after the date on which it becomes payable upto the notified date;
- (b) “arrear of rent” means rent which remains unpaid after the date on which it becomes payable upto the notified date;
- (c) “Committee” means a Committee consisting of such number of persons as the Government may appoint for carrying out the purposes assigned to the Committee under this Ordinance;
- (d) “Financial Commissioner” means any person appointed by the Government to perform the functions and exercise the powers of Financial Commissioner under this Ordinance;
- (e) “Government” means the Government of the Patiala and East Punjab States Union;
- (f) “holding” means a share of portion of an estate held by one landlord as defined in clause (h) or jointly by two or more such landlords;
- (g) “land” means land which is not occupied as the site of any building in a town or village and is occupied or has been let for agricultural purposes or for purposes subservient to agriculture or for pasture, and includes the sites of buildings and other structures on such land;
- (h) “landlord” means an owner of land in which a tenant has or establishes immediately before the notified date a right of occupancy under either section 5 or section 6 or section 7 or section 8 of the Tenancy Act in force in the Union and includes a joint Hindu family and a limited owner;
- (i) “notified date” means such date as may by notification in the official Gazette, be appointed by the Government for carrying out the purposes of this Ordinance;

- (j) "occupancy tenant" means a tenant who immediately before the notified date—
- (i) has a right of occupancy in pursuance of either section 5 or section 6 of the Punjab Tenancy Act, 1887, in force in the Union, or
 - (ii) has established or establishes a right of occupancy in pursuance of either section 7 or section 8 of the said **Act**,
- in any land owned by a landlord;
- (k) "Partition Commissioner" means the officer appointed as such by the Government for performing the duties and functions assigned to him under this Ordinance, and includes the Assistant Partition Commissioner appointed under sub-section (1) of Section 6;
- (l) "prescribed" means prescribed by rules made under this Ordinance;
- (m) "rent" means whatever is payable to a landlord in money, kind or service by an occupancy tenant on account of the use or occupation of land held by him;
- (n) "Union" means the Patiala and East Punjab States Union.

(2) The expressions "estate", "land revenue" and "tenant" shall have the meanings respectively assigned to them in the Punjab Land Revenue Act, 1887, in force in the Union. (*Amended*).

*3. Certain persons deemed to be occupancy tenants despite dispossessio*n.—Where any person who was an occupancy tenant within a period of seven years before the 11th of March, 1947, (the date of the promulgation of the Farman-i-Shahi) has been dispossessed or deprived of his right to the occupation of the holding for non-payment of rent in execution of a decree against him, he shall, for the purposes of this Ordinance and subject to the provisions thereof, be deemed to be an occupancy tenant on the date of the commencement of this Ordinance:

Provided that he shall not be deemed to be an occupancy tenant if within three months of the date of commencement of this Ordinance, he does not deposit in the tehsil treasury the decretal amount for the realisation of which he was dispossessed, or deprived.

Explanation.—Occupancy tenant includes his heirs and successors in interest.

4. Abolition of occupancy tenures and determination of future rights and interests.—Notwithstanding anything contained in the Punjab Tenancy Act, 1887, or in any other law for the time being in force in the Union, on and with effect from the notified date and save as otherwise expressly provided in this Ordinance—

- (a) No tenant shall have and claim a right of occupancy under either section 5 or section 6 or section 7 or section 8 of the aforesaid Act or under any other law in any land held by him under a landlord;
- (b) all rights and interests created in or over any holding before the notified date shall be regulated and determined in the manner laid down in this Ordinance;
- (c) the relationship of landlord and occupancy tenant in any holding shall, as between them, be extinguished and the holding shall, subject to the provisions of section II, be partitioned by the Partition Commissioner between them in such manner and proportion and on such terms as are provided in this Ordinance.

PART II

Appointment and functions of Officers and Committee, determination of compensation and division and transfer of holdings.

5. Appointment and functions of Partition Commissioner.—(1) As soon as may be after the commencement of this Ordinance, the Government shall appoint a Partition Commissioner to carry out the purposes of this Ordinance including partition operations in holdings, assessment of compensation and settlement of disputes between the landlords and their occupancy tenants.

(2) The Partition Commissioner shall be subordinate to the Committee and shall be guided by such instructions not inconsistent with the provisions of this Ordinance, as the Committee may from time to time issue.

6. Appointment of Assistant Commissioner.—(1) The Partition Commissioner may, with the approval of the Government, appoint as many Assistant Partition Commissioners as he thinks necessary for assisting him in carrying out the functions and duties assigned to him under this Ordinance.

(2) Any lawful order of an Assistant Partition Commissioner shall be deemed to be the order of the Partition Commissioner unless modified by the latter.

7. *Powers of control of the Committee.*—The Committee shall have power—

- (a) to give effect to the provisions of this Ordinance and in particular to exercise control and superintendence over the Partition Commissioner;
- (b) to issue instructions for the guidance of the Partition Commissioner; and
- (c) to cancel or revise any of the orders, acts or proceeding of the Partition Commissioner other than those in respect of which an appeal lies under this Ordinance.

8. *Determination of holdings.*—(1) As soon as may be after the commencement of this Ordinance, the Partition Commissioner may *suo motu* and shall, on application, enquire and determine whether or not any holding in any village or estate in his jurisdiction is a holding within the meaning of this Ordinance.

(2) Before holding the enquiry, the Partition Commissioner shall cause to be published in the village or estate in the prescribed manner, a notice requiring all persons whether as landlord or occupancy tenant or otherwise claiming an interest in the said holding to file before him statements of their interests.

(3) The Partition Commissioner shall then hear the parties and afford to them a reasonable opportunity of adducing all such evidence either oral or documentary as they may desire and shall thereafter give his decision in writing.

4. (a) Any person aggrieved by a decision of the Partition Commissioner under sub-section (3) may within thirty days from the date of the decision, appeal to the Financial Commissioner.

(b) Where any such appeal is preferred the Financial Commissioner shall cause to be published in the prescribed manner, a notice requiring all persons who have applied to the Partition Commissioner under sub-section (1) or filed before him statements under sub-section (2) to appear before the Financial Commissioner and giving them a reasonable opportunity of being heard, give his decision.

(c) The decision of the Financial Commissioner on appeal under this sub-section shall be final and shall not be liable to be called in question in any court or before any authority.

(5) No decision of the Partition Commissioner under sub-section (3) of the Financial Commissioner under sub-section (4) shall be invalid by reason of any defect in the form of the notice referred to in sub-section (2) or sub-section (4) as the case may be, or the manner of its publication.

(6) Every decision of the Financial Commissioner and subject to such decision, if any, every decision of the Partition Commissioner under this section shall be binding on all persons claiming an interest in the holding concerned, notwithstanding any such person not having preferred any application or filed any statement or adduced any evidence or appeared or participated in the proceedings before the financial Commissioner or the Partition Commissioner as the case may be.

9. Declaration of shares of occupancy tenant and landlord in a holding.—The Partition Commissioner shall determine and declare the respective shares of the landlord and the occupancy tenant in the holding which shall be—

- (a) in the case of occupancy tenant, three-fourth of the entire holding, and
- (b) in the case of the landlord, one-fourth of the entire holding:

Provided that if in the opinion of the Partition Commissioner to be recorded in writing the respective shares of the occupancy tenant and landlord should not be determined in the aforementioned ratio, he shall refer the matter to the Committee for determination of the ratio in which the respective shares should be determined and the decision of the Committee on such reference shall be final. (Amended).

10. Option to occupancy tenant to acquire share of landlord.—The occupancy tenant shall by notice issued by the Partition Commissioner be given an option to purchase the share of the landlord in the holding, which has been declared under section 9, on payment of such total compensation as may be payable by the occupancy tenant under section 14.

11. Consequences and exercise of option by occupancy tenant.
(1) If the occupancy tenant within fifteen days of the receipt of the notice issued under section 10 consents in writing to the purchase of the share of the landlord, the entire holding shall on deposit of compensation as required by section 14 be transferable to the occupancy tenant.

(2) If the tenant does not agree to the purchase of the landlord's share or the Partition Commissioner does not receive his consent within the period specified in sub-section (4) the occupancy tenant shall be entitled to the transfer to him of only such share of the holding as is declared by the Partition Commissioner to be his share under the preceding section.

(3) The occupancy tenant shall as from the notified date, in respect of the holding or part thereof transferable to him under sub-

section (1) or sub-section (2) as the case may be, be the full owner thereof for all intents and purposes to the exclusion of the landlord.

(4) If the occupancy tenant—

- (a) elects not to acquire that part of the holding declared under section 9 to be the share of the landlord; or
- (b) fails to deposit the amount of compensation payable to the landlord as required by section 14;

the landlord shall as from the notified date be the full owner of that part of the holding to the exclusion of any rights therein of the occupancy tenant.

12. Determination of compensation.—(1) Where the occupancy tenant elects to purchase the landlord's share of the holding, the Partition Commissioner shall proceed to determine the amount of compensation payable to the landlord in respect of his share of the holding in accordance with the principles laid down in section 15 of the Patiala Land Acquisition Act, 1995.

(2) (a) Any person aggrieved by an order of the Partition Commissioner under sub-section (1) may, within thirty days from the date of the decision, appeal to the Financial Commissioner.

(b) Where any such appeal is preferred the Financial Commissioner shall cause to be published in the prescribed manner, a notice requiring the landlord or, as the case may be, the occupancy tenant to appear before him, and after giving the parties a reasonable opportunity of being heard, shall give his decision.

(c) The decision of the Financial Commissioner on appeal under this sub-section shall be final and shall not be liable to be called in question in any court or before any authority.

(3) No decision of the Financial Commissioner under sub-section (2) shall be invalid by reason of or any defect in the form of notice referred to in that sub-section or manner of its publication.

(4) Every decision of the Financial Commissioner and subject such decision, if any, every decision of the Partition Commissioner under this section shall be binding on all persons claiming an interest in the holding concerned notwithstanding any such person not having appeared or participated in the proceedings before the Financial Commissioner or the Partition Commissioner as the case may be.

13. Period within which deposit to be made.—(1) If any occupancy tenant elects to acquire under section 11 the landlord's share of the holding, he shall deposit in the tehsil treasury within a period three months from the date of notice issued in this behalf by the Partition Commissioner, the amount of total compensation determined by the said Commissioner.

(2) The Committee may in any special case for reasons to be recorded in writing extend the period prescribed in sub-section (1) by not more than three months.

14. *Total compensation payable by occupancy tenant.*—(1) The total compensation payable by the occupancy tenant shall be compensation determined under section 12, the value of buildings assessed under section 23 and the arrears of rent, if any.

(2) Where any landlord has obtained against the occupancy tenant a decree for arrears of rent in respect of the holding, such amount shall form a part of total compensation payable to the landlord under sub-section (1).

15. *Division of holding.*—Where the tenant—

(a) elects not to acquire the share of the landlord in any holding, or

(b) elects to acquire but fails to deposit the total compensation within the prescribed or extended period,

the Partition Commissioner shall, as soon as may be, proceed to divide the holding between the occupancy tenant and the landlord in accordance with respective shares declared under section 9.

16. *Manner of payment and period of claims.*—(1) The total compensation deposited by an occupancy tenant in the tehsil treasury may be paid in such manner as may be prescribed.

(2) The Partition Commissioner shall cause to be published in the village or estate in the prescribed manner, a notice requiring all persons claiming an interest in the total compensation in respect of any holding to file before him statements of their claims within a period of six months from the date of publication of the notice.

(3) Any claim for payment of compensation or part thereof which is not made to the Partition Commissioner within the time specified in sub-section (2) shall cease to be enforceable.

17. *Reference to civil court.*—Where any dispute arises between persons claiming compensation under the preceding section the Partition Commissioner shall require them to refer their claims to a civil court for adjudication.

18. *Payment of compensation.*—(1) Where there is no dispute between the claimants as to their respective shares in compensation the Partition Commissioner shall make payment to them in accordance with their respective shares.

(2) In case of dispute the Partition Commissioner shall pay the compensation to the claimants in accordance with the adjudication of the civil court under section 17.

19. *Forfeiture of compensation to Government.*—If no person claims payment of compensation within a period of six months specified in sub-section (2) of section 16, the compensation shall forfeit to the Government.

20. *Compensation to be deposited in bank in case of minor.*—Where the landlord is a minor the Partition Commissioner shall cause the compensation to be deposited in the Bank of Patiala or in any post office savings bank and shall direct the payment of interest thereon to the guardian of the minor.

21. *Arrears of land revenue to be deducted.*—The arrears of land revenue, if any, shall be deducted by the Partition Commissioner from the total amount of compensation payable to the landlord.

PART III

MISCELLANEOUS

22. *Conflict between Farman-i-Shahi and this Ordinance.*—The provisions of the Farman-i-Shahi No. 6, dated Motibagh Palace, Patiala the 11th of March 1947, in so far as they are repugnant to the provisions of this Ordinance shall, to the extent of the repugnancy, be void.

23. *Building on the holding constructed by landlord.*—Where there are any buildings on any holding constructed by the landlord or at his expense—

- (a) the value of such buildings shall also be assessed by the Partition Commissioner with reference to the notified date and shall form a part of the total compensation payable to the landlord, or
- (b) Where the occupancy tenant elects not to pay the compensation the Partition Commissioner may, while partitioning land, give due consideration to the claim of the landlord to such building.

24. *Sham-i-lat.*—Where under the provisions of this Ordinance the holding or any part thereof is transferred absolutely to the occupancy tenants the rights of the landlord in the sham-i-lat shall as from the notified date devolve on the occupancy tenant to the extent of the transfer without payment of any compensation in respect thereof.

25. Supplementary powers of Financial Commissioner and Partition Commissioner.—The Financial Commissioner and the Partition Commissioner shall have all the powers of a civil court under the Code of Civil Procedure, 1908, in force in the Union, for the purposes of administering oaths, taking evidence on oath, and of enforcing the attendance of witnesses and compelling the production of documents and material objects and the Financial Commissioner and the Partition Commissioner shall be deemed to be civil courts for the purposes of section 195 and of Chapter XXXV of the Code of Criminal Procedure in force in the Union.

26. Jurisdiction of civil courts barred.—No civil court or any other authority shall have jurisdiction to settle, decide or deal with any question which is, by or under this Ordinance, required to be settled, decided or dealt with by the Committee or the Financial Commissioner or the Partition Commissioner.

27. Ban on certain suits and proceedings.—(1) No suit or other proceeding shall lie against the Government for any act done or purporting to be done under this Ordinance or any rule made thereunder.

(2) No officer or servant of the Government shall be liable in respect of any such act in any civil or criminal proceeding, if the act was done in good faith in the course of the execution of the duties, or the discharge of the functions imposed by or under this Ordinance.

28. Exemption from registration and payment of stamp.—No instrument or document executed or made in pursuance of the provisions of this Ordinance or the transfer of any holding under this Ordinance shall be liable to registration or payment of stamp thereon, notwithstanding any law in force in the Union.

29. Power to make rules.—(1) The Government may make rules to carry out the purposes of this Ordinance.

(2) In particular and without prejudice to the generality of the foregoing provision, such rules may provide for:—

- (a) all matters expressly required or allowed by this Ordinance to be prescribed;
- (b) the procedure to be followed by the Financial Commissioner and the Partition Commissioner in the discharge of their duties and functions;
- (c) the manner in which the compensation is to be deposited by the occupancy tenant in the tehsil treasury;

- (d) the manner in which the compensation is to be paid to the landlord;
- (e) fees, if any, to be paid on applications or petitions under this Ordinance;
- (f) transfer of proceedings from one Assistant Partition Commissioner to another;
- (g) method of publishing notices.

YADAVENDRA SINGH,

MAHARAJADHIRAJ MAHENDRA BAHADUR,

RAJPRAMUKH,

Patiala & East Punjab States Union.

P. S. RANDHAWA,

Secretary to Government.

APPENDIX I (3)

PATIALA AND EAST PUNJAB STATES UNION ABOLITION OF BISWEDARI ORDINANCE, 2006 BK.

ORDINANCE No. XXIII of 2006 Bk.)

*Amended by PEPSU Ordinance No. XXXVI of 2006 and PEPSU Act
No. IV of 2007*

An

Ordinance to amend and consolidate the law regarding abolition of occupancy tenures and settlement of disputes between occupancy tenants and landlords as contained in *Farman-i-Shahi* No. 6, dated the 11th of March, 1947.

Whereas His Highness Shri 108 Maharaja-dhiraj Mahendra Bahadur of Patiala State promulgated *Farman-i-Shahi* No. 6, dated, Motibagh Palace, Patiala, the 11th of March, 1947, with a view to the restoration in the erstwhile Patiala State of amicable relations between the landlords and their occupancy tenants, and removing the causes of disputes between them and providing for apportionment of lands between the landlords and their occupancy tenants in the ratio of one-third and two-third in the case of occupancy rights under section 5 of the Tenancy Act and two-fifth and three-fifth in the case of occupancy rights under sections 6 and 8 of the said Act;

And whereas it is expedient to amend and consolidate the law as contained in the aforesaid *Farman-i-Shahi* and in the interest of peace and good government to abolish the occupancy tenures in the Patiala and East Punjab States Union in the light of the aforesaid *Farman-i-Shahi* and to provide for other ancillary matters;

Now, therefore, in exercise of the powers conferred by the proviso to paragraph (2) of Article X of the Covenant entered into by the Rulers of the East Punjab States as amended by Article 1 of the Supplementary Covenant, the Rajpramukh is pleased to make and promulgate the following Ordinance:—

PART I

PRELIMINARY

1. Short title, extent and commencement—(1) This Ordinance may be called the Patiala and East Punjab States Union Abolition of Biswedari Ordinance, 2006.

(2) It extends to the whole of the Patiala and East Punjab States Union.

(3) It shall come into force on the date of its publication in the official Gazette.

2. Definitions.—(1) In this Ordinance, unless there is anything repugnant in the subject or context,—

- (a) “arrear of land revenue” means land revenue which remains unpaid after the date on which it becomes payable upto the notified date;
- (b) “arrear of rent” means rent which remains unpaid after the date on which it becomes payable upto the notified date;
- (d) “Financial Commissioner” means any person appointed by the Government to perform the functions and exercise the powers of Financial Commissioner under this Ordinance;
- (e) “Government” means the Government of the Patiala and East Punjab States Union;
- (f) “holding” means a share or portion of an estate held by one land-lord as defined in clause (h) or jointly by two or more such landlords;
- (g) “land” means land which is not occupied as the site of any building in a town or village and is occupied or has been let for agricultural purposes or for purposes subservient to agriculture or for pasture, and includes the sites of buildings and other structures on such land;
- (h) “landlord” means an owner of land in which a tenant has or establishes immediately before the notified date a right of occupancy under either section 5 or section 6 or section 7 or section 8 of the Tenancy Act in force in the Union and includes a joint Hindu family and a limited owner;
- (i) “notified date” means, in respect of an estate or group of estates, such date as may, by notification in the official Gazette, be appointed by the Partition Commissioner for carrying out the purposes of this Ordinance;]
- (j) “occupancy tenant” means a tenant who immediately before the notified date—
 - (i) has a right of occupancy in pursuance of either section 5 or section 6 of the Punjab Tenancy Act, 1887, in force in the Union; or

- (ii) has established or establishes a right of occupancy in pursuance of either section 7 or section 8 of the said Act, in any land owned by a landlord;
- (k) "Partition Commissioner" means the officer appointed as such by the Government for performing the duties and functions assigned to him under this Ordinance, and includes the Assistant Partition Commissioner appointed under sub-section (1) of section 6;
- (l) "prescribed" means prescribed by rules made under this Ordinance;
- (m) "rent" means whatever is payable to a landlord in money, kind or service by an occupancy tenant on account of the use of occupation of land held by him;
- (n) "Union" means the Patiala and East Punjab States Union.

(2) The expressions "estate", "land revenue" and "tenant" shall have the meaning respectively assigned to them in the Punjab Land Revenue Act, 1887, in force in the Union.

*3. Certain persons deemed to be occupancy tenants despite dispossessio*n.—Where any person who was an occupancy tenant within a period of seven years before the 11th of March, 1947, (the date of the promulgation of the *Farman-i-Shahi*) has been dispossessed or deprived of his right to the occupation of the holding for non-payment of rent in execution of a decree against him, he shall, for the purposes of this Ordinance and subject to the provisions thereof, be deemed to be an occupancy tenant on the date of the Commencement of this Ordinance:

Provided that he shall not be deemed to be an occupancy tenant if before the first day of January 1951, he does not deposit in the tehsil treasury the dec̄etal amount for the realization of which he was dispossessed or deprived.

Explanation:—Occupancy tenant includes his heirs and successors-in-interest.

4. Abolition of occupancy tenures and determination of future rights and interests.—Notwithstanding anything contained in the Punjab Tenancy Act, 1887, or in any other law for the time being, in force in the Union on and with effect from the notified date and save as otherwise expressly provided in this Ordinance—

- (a) no tenant shall have and claim a right of occupancy under either section 5 or section 6 or section 7 or section 8 of the aforesaid Act or under any other law in any land held by him under a landlord;

- (b) all rights and interests created in or over any holding before the notified date shall be regulated and determined in the manner laid down in this Ordinance;
- (c) the relationship of landlord and occupancy tenant in any holding shall, as between them, be extinguished and the holding shall, subject to the provisions of section 11, be partitioned by the Partition Commissioner between them in such manner and proportion and on such terms as are provided in this Ordinance.

PART II

Appointment and functions of Officers and Government, determination of compensation and division and transfer of holdings.

5. *Appointment and function of Partition Commissioner.*—(1) As soon as may be after the commencement of this Ordinance, the Government shall appoint a Partition Commissioner to carry out the purposes of this Ordinance including partition operations in holdings, assessment of compensation and settlement of disputes between the landlords and their occupancy tenants.

(2) The Partition Commissioner shall be subordinate to the Government and shall be guided by such instructions not inconsistent with the provisions of this Ordinance, as the Government may from time to time issue.

6. *Appointment of Assisting Officers.*—(1) The Partition Commissioner may, with the approval of the Government, appoint as many Assisting Partition Commissioner as he thinks necessary for assisting him in carrying out the functions and duties assigned to him under this Ordinance.

(2) Any lawful order of an Assistant Partition Commissioner shall be deemed to be the order of the Partition Commissioner unless modified by the latter.

7. *Powers of Control of the Government.*—The Government shall have power

- (a) to give effect to the provisions of this Ordinance and in particular to exercise control and superintendence over the Partition Commissiner;
- (b) to issue instructions for the guidance of the Partition Commissioner; and
- (c) to cancel or revise any of the orders, acts or proceedings of the Partition Commissioner other than those in respect of which an appeal lies under this Ordinance.

8. Determination of holdings.—(1) As soon as may be after the commencement of this Ordinance, the Partition Commissioner may *suo motu* and shall on application, enquire and determine whether or not any holding in any village or estate in his jurisdiction is a holding within the meaning of this Ordinance.

(2) Before holding the enquiry the Partition Commissioner shall cause to be published in the village or estate in the prescribed manner, a notice requiring all persons whether as landlord or occupancy tenant or otherwise claiming an interest in the said holding to file before him statements of their interests.

(3) The Partition Commissioner shall then hear the parties and afford to them a reasonable opportunity of adducing all such evidence either oral or documentary as they may desire and shall thereafter give his decision in writing.

(4) (a) Any person aggrieved by a decision of the Partition Commissioner under sub-section (3) may, within thirty days from the date of the decision, appeal to the Financial Commissioner.

(b) Where any such appeal is preferred, the Financial Commissioner shall cause to be published in the prescribed manner, a notice requiring all persons who have applied to the Partition Commissioner, under sub-section (1) or filed before him statements under sub-section (2) appear before the Financial Commissioner, and after giving them a reasonable opportunity of being heard, give his decision.

(c) The decision of the Financial Commissioner on appeal under this sub-section shall be final and shall not be liable to be called in question in any court or before any authority.

(5) No decision of the Partition Commissioner under sub-section (3) or of the Financial Commissioner under sub-section (4) shall be invalid by reason of any defect in the form of the notice referred to in sub-section (2) or sub-section (4), as the case may be, or the manner of its publication.

(6) Every decision of the Financial Commissioner and subject to such decision, if any, every decision, of the Partition Commissioner under this section shall be binding on all persons claiming an interest in the holding concerned, notwithstanding any such person not having preferred any application or filed any statement or adduced any evidence or appeared or participated in the proceedings before the Financial Commissioner or the Partition Commissioner as the case may be.

9. Declaration of shares of occupancy tenant and landlord in a holding.—The Partition Commissioner shall determine and declare

the respective shares of the landlord and the occupancy tenant in a holding which shall be—

- (a) in the case of occupancy tenant, three-fourth of the entire holding, and
- (b) in the case of the landlord, one-fourth of the entire holding: Provided that—
 - (a) where the occupancy tenant pays only cash rent; or
 - (b) where the occupancy tenant pays rent in kind which is less than one-fourth of the produce of the holding, the respective shares of the landlord and the occupancy tenant shall be determined in accordance with the rules made in this behalf by the Government.

Provided further that where in respect of any holding the occupancy tenant does not pay to the landlord anything over and above the land revenue and rates and cesses thereon, he shall be entitled to the entire holding.

10. Option to occupancy tenant to acquire share of landlord.—The occupancy tenant shall by notice issued by the Partition Commissioner be given an option to purchase the share of the landlord in the holding, which has been declared under section 9, on payment of such total compensation as may be payable by the occupancy tenant under section 14.

11. Consequences of exercise of option by occupancy tenant.—(1) If the occupancy tenant within fifteen days of the receipt of the notice issued under section 10 consents in writing to the purchase of the share of the landlord, the entire holding shall on deposit of compensation as required by section 14 be transferable to the occupancy tenant.

(2) If the tenant does not agree to the purchase of the landlord's share or the Partition Commissioner does not receive his consent within the period specified in sub-section (1), the occupancy tenant shall be entitled to the transfer to him of only such share of the holding as is declared by the Partition Commissioner to be his share under the preceding section.

(3) The occupancy tenant shall as from the notified date, in respect of the holding or part thereof transferable to him under sub-section (1) or sub-section (2), as the case may be, be the full owner thereof for all intenents and purposes to the exclusion of the landlord.

(4) If the occupancy tenant—

- (a) elects not to acquire that part of the holding declared under section 9 to be the share of the landlord; or

(b) fails to deposit the amount of compensation payable to the landlord as required by section 14, the landlord shall as from the notified date be the full owner of that part of the holding to the exclusion of any rights therein of the occupancy tenant.

12. Determination of compensation.—(1) Where the occupancy tenant elects to purchase the landlord's share of the holding, the Partition Commissioner shall proceed to determine the amount of compensation payable to the landlord in respect of his share of the holding in accordance with such rules as may be made in this behalf by the Government.

(2) (a) Any person aggrieved by an order of the Partition Commissioner under sub-section (1) may, within thirty days from the date of the decision, appeal to the Financial Commissioner.

(b) Where any such appeal is preferred the Financial Commissioner shall cause to be published in the prescribed manner, a notice requiring the landlord or, as the case may be, the occupancy tenant to appear before him, and after giving the parties a reasonable opportunity of being heard, shall give his decision.

(c) The decision of the Financial Commissioner on appeal under this sub-section shall be final and shall not be liable to be called in question in any court or before any authority.

(3) No decision of the Financial Commissioner under sub-section (2) shall be invalid by reason of or any defect in the form of notice referred to in that sub-section or manner of its publication.

(4) Every decision of the Financial Commissioner and subject to such decision, if any, every decision of the Partition Commissioner under this section shall be binding on all persons claiming an interest in the holding concerned, notwithstanding any such person not having appeared or participated, in the proceedings before the Financial Commissioner or the Partition Commissioner as the case may be.

13. Period within which deposit to be made.—(1) If any occupancy tenant elects to acquire under section 11 the landlord's share of the holding he shall deposit in the tehsil treasury within a period of three months from the date of notice issued in this behalf by the Partition Commissioner the amount of total compensation determined by the said officer.

(2) The Government may in any special case for reasons to be recorded in writing extend the period prescribed in sub-section (1) by not more than three months.

14. *Total compensation payable by occupancy tenant.*—(1) The total compensation payable by the occupancy tenant shall be compensation determined under section 12, the value of buildings assessed under section 23 and the arrears of rent, if any.

(2) Where any landlord has obtained against the occupancy tenant a decree for arrears of rent in respect of the holding, such amount shall form a part of total compensation payable to the landlord under sub-section (1).

15. *Division of holding.*—Where the tenant—

(a) elects not to acquire the share of the landlord in any holding, or

(b) elects to acquire but fails to deposit the total compensation within the prescribed or extended period, the Partition Commissioner shall, as soon as may be, proceed to divide the holding between the occupancy tenant and the landlord in accordance with their respective share declared under Section 9.

16. *Manner of payment and period of claims.*—(1) The total compensation deposited by an occupancy tenant in the tehsil treasury may be paid in such manner as may be prescribed.

(2) The Partition Commissioner shall cause to be published in the village or estate in the prescribed manner, a notice requiring all persons claiming an interest in the total compensation in respect of any holding to file before him statements of their claims within a period of six months from the date of publication of the notice.

(3) Any claim for payment of compensation or part thereof which is not made to the Partition Commissioner within the time specified in sub-section (2) shall cease to be enforceable.

17. *Reference to civil court.*—Where any dispute arises between persons claiming compensation under the preceding section the Partition Commissioner shall require them to refer their claims to a civil court for adjudication.

18. *Payment of compensation.*—(1) Where there is no dispute between the claimants as to their respective shares in compensation the Partition Commissioner shall make payment to them in accordance with their respective shares.

(2) In the case of dispute the Partition Commissioner shall pay the compensation to the claimants in accordance with the adjudication of the civil court under section 17.

19. *Forfeiture of compensation to Government.*—If no person claims payment of compensation within a period of six months

specified in sub-section (2) of section 16, the compensation shall forfeit to the Government.

20. *Compensation to be deposited in bank in case of minors.*—Where the landlord is a minor the Partition Commissioner shall cause the compensation to be deposited in the bank of Patiala or in any post office savings bank and shall direct the payment of interest thereon to the guardian of the minor.

21. *Arrear of land revenue to be deducted.*—The arrears of land revenue, if any shall be deducted by the Partition Commissioner from the total amount of compensation payable to the landlord.

PART III

MISCELLANEOUS

22. *Conflict between Farman-i-Shahi and this Ordinance.*—The provisions of the Farman-i-Shahi 6 dated, Motibagh Palace, Patiala, the 11th of March, 1947, in so far as they are repugnant to the provisions of this Ordinance shall, to the extent of the repugnancy, be void.

23. *Buildings on the holding constructed by landlord.*—Where there are any buildings on any holding constructed by the landlord or at his expense—

- (a) the value of such buildings shall also be assessed by the Partition Commissioner with reference to the notified date and shall form a part of the total compensation payable to the landlord, or
- (b) Where the occupancy tenant elects not to pay the compensation the Partition Commissioner may, while partitioning the land, give due consideration to the claim of the landlord to such building.

24. *Sham-i-Lat.*—Where under the provisions of this Ordinance the holding or any part thereof is transferred absolutely to the occupancy tenant, the rights of the landlord in the sham-i-lat shall as from the notified date devolve on the occupancy tenant to the extent of the transfer without payment of any compensation in respect thereof.

25. *Supplementary powers of Financial Commissioner and Partition Commissioner.*—The Financial Commissioner and the Partition Commissioner shall have all the powers of a civil court under the code of Civil Procedure, 1908, in force in the Union for the purposes of administering oaths, taking evidence on oath, and of enforcing the attendance of witnesses and compelling the production of documents

and material objects, and the Financial Commissioner and the Partition Commissioner shall be deemed to be civil courts for the purpose of section 195 and of Chapter XXXV of the Code of Criminal Procedure in force in the Union.

26. *Jurisdiction of civil courts barred.*—No civil court or any other authority shall have jurisdiction to settle, decide or deal with any question which is, by or under this Ordinance, required to be settled decided or dealt with by the Government or the Financial Commissioner or the Partition Commissioner.

27. *Bar of certain suits and proceedings.*—(1) No suit or other proceeding shall lie against the Government for any act done or purporting to be done under this Ordinance or any rule made there under.

(2) No officer or servant of the Government shall be liable in respect of any such act in any civil or criminal proceeding, if the act was done in good faith in the course of the execution of the duties or the discharge of the functions imposed by or under this Ordinance.

28. *Exemption from registration and payment of stamp.*—No instrument or document executed or made in pursuance of the provisions of this Ordinance or the transfer of any holding under this Ordinance shall be liable to registration or payment of stamp thereon notwithstanding any law in force in the Union.

29. *Power to make rules.*—(1) The Government may make rules to carry out the purposes of this Ordinance.

(2) In particular and without prejudice to the generality of the foregoing provision, such rules may provide for—

- (a) all matters expressly required or allowed by this Ordinance to be prescribed;
- (b) the procedure to be followed by the Financial Commissioner and the Partition Commissioner in the discharge of their duties and functions;
- (bb) the manner of determining the respective shares of the landlord and the occupancy tenant under the first proviso to section 9;
- (bbb) the manner of determining compensation payable by the occupancy tenant to the landlord under sub-section (1) of section 12;
- (c) the manner in which the compensation is to be deposited by the occupancy tenant in the tehsil treasury;
- (d) the manner in which the compensation is to be paid to the landlord;

- (e) fees, if any, to be paid on applications or petitions under this Ordinance;
- (f) transfer of proceedings from one Assistant Partition Commissioner to another;
- (g) method of publishing notices.

30. *Power to consolidate holdings dealt with under this Ordinance.*—Notwithstanding anything contained in the Patiala Consolidation of Holdings Act, 2003, and subject to the provisions of this Ordinance, the Consolidation Officer shall be competent to undertake *suo motu* the consolidation of holdings in any estate or sub-division of an estate after any holding comprised therein has been under this Ordinance either partitioned or wholly assigned to the occupancy tenant.

APPENDIX I (4)

GOVERNMENT OF PATELALA AND EAST PUNJAB STATES UNION

REVENUE DEPARTMENT

Notification

Dated Patiala, the 28th April 1951

No. 8-B.

The Government have for sometime been considering the position of tenants specified below of the erstwhile Faridkot and Kapurthala States who occupied lands as tenants for long periods of time under the direct and personal ownership of the Rulers of such States. Since the personal properties of the aforesaid Rulers have been determined and the lands held by the aforesaid tenants have not fallen to the share of the said Rulers but have devolved upon the Government of the State of Patiala and East Punjab States Union, the Government have decided, after careful consideration of the nature of the rights of such tenants and the length of period for which such rights were enjoyed, that henceforward occupancy rights shall be deemed to be conferred on them and that all such tenants shall be deemed to be occupancy tenants within the meaning of section 8 of the Punjab Tenancy Act, 1887, in force *mutatis mutandis* in the State, in respect of the lands held by them in the aforesaid States;

Provided that nothing in this notification shall apply to lands appropriated out of village thoroughfares, cremation grounds or other common lands of the village by Chakotedaran Nautor of the erstwhile Faridkot State.

Faridkot State

1. Muzarian-i-Shartia.
2. Chakotedaran Khas.
3. Muzarian Tabe Marzi Malik.
4. Muzarian Bila Ta'in Safit.
5. Chakotedaran Nautor.

Kapurthala State

1. Muzarian-i-Darbandi.
2. Muzarian-i-Bardasht Sabaq.
3. Muzarian-i-Jadid.
4. Muzarian-i-Basharah Parta.

(Sd.) LAL SINGH,
Secretary to Government.

APPENDIX I (5)

GOVERNMENT OF PATIALA AND EAST PUNJAB STATES UNION

REVENUE DEPARTMENT

Notification

Dated, Patiala the 7th June, 1951.

No. 14(17)-B/51-13-B

Whereas it was notified *vide* Home Department Notification No. 94/1949 dated 3rd September 1949, that "Ala Malkiat" rights of His Highness the Raja Sahib of Faridkot in certain lands had been extinguished;

And whereas certain doubts have arisen with regard to the interpretation of that notification;

Now, therefore, in clarification of the said notification it is hereby declared that the Government of the State of Patiala and East Punjab States Union shall be deemed to have relinquished, with effect from 20th August 1948, all the rights of "Ala Malkiat" including "Fauti Farari" which devolved upon the Government on the formation of the State of Patiala and East Punjab States Union in respect of the lands situated within the erstwhile Faridkot State in which His Highness the Raja Sahib of Faridkot State had rights of "Ala Malkiat" so that no Adna Malik of such lands shall be liable to pay, with effect from the said date, any dues to the Government in respect of its rights of "Ala Malkiat" hereby deemed to have been relinquished and such Adna Malik shall be deemed to have become full proprietor thereof;

Provided that nothing herein or in the said notification shall apply to the 12,000 ghamans of land allocated to the said Raja Sahib as his personal property.

By order of His Highness the Rajpramukh.

(Sd.) **LAL SINGH,**
Secretary to Government.

APPENDIX I (6)

GOVERNMENT OF PATIALA AND EAST PUNJAB STATES UNION, PATIALA

REVENUE DEPARTMENT

Notification

Dated, Patiala the 7th June, 1951.

No. 14(17)-B/51-14-B

Whereas on the formation of the State of Patiala and East Punjab States Union on 20th August 1948, the rights of "Ala Malkiat" held by His Highness the Raja Sahib of Nalagarh in all the lands within the territory of the erstwhile Nalagarh State devolved upon the Government of the State of Patiala and East Punjab States Union;

And whereas the Government of the State of Patiala and East Punjab States Union have decided to relinquish their rights in such lands in favour of the Adna Maliks thereof;

Now, therefore, it is hereby declared for the benefit of all concerned that the Government of the State of Patiala and East Punjab States Union shall be deemed to have relinquished with effect from 20th August 1948 the rights of "Ala Malkiat" in the lands of erstwhile Nalagarh State which were held by His Highness the Raja Sahib of Nalagarh so that the Adna Maliks of such lands shall not be liable to pay any dues to the Government with effect from the aforesaid date on account of rights of "Ala Malkiat" of the Government and such Adna Maliks shall be deemed to have become full proprietors thereof.

By order of His Highness the Rajpramukh.

(Sd.) **LAL SINGH.**
Secretary to Government.

APPENDIX I (7)

THE PEPSU TENANCY (TEMPORARY PROVISIONS) ACT, 2008 **(Act No. XXX of 2008)**

Received the assent of the President of India on the 28th March, 1952 and published in the Pepsu Government Gazette (Extraordinary)* No. 4, dated the 5th April, 1952.

An Act to provide for the temporary regulation of the relations between landlords and tenants in the State of Patiala and East Punjab States Union.

Whereas it is expedient to provide for the temporary regulation of the relations between landlords and tenants in the State of Patiala and East Punjab States Union;

It is hereby enacted as follows:—

1. *Short title, extent and commencement.*—(1) This Act may be called the PEPSU Tenancy (Temporary Provisions) Act, 2008.

(2) It extends to the whole of the State of Patiala and East Punjab States Union.

(3) It shall come into force on the day of its publication in the official Gazette, and shall remain in force for a period of two years:

Provided that on the expiry of this Act, section 6 of the Patiala General Clauses Act 2002 (XII of 2002) shall apply as if this act had then been repealed by an Act of the State of Patiala and East Punjab States Union.

2. *Definitions.*—(1) In this Act unless the context otherwise requires:—

(a) “authorised officer” means an officer authorised by the State Government for all or any of the purposes of this Act;

(b) the expression “to cultivate personally” with its grammatical variations and cognate expressions means to cultivate on one’s own account—

(i) by one’s own labour, or

(ii) by the labour of any member of one’s own family, or

* See PEPSU Law Department Notification Dated Patiala the 5th April 1952. published in the PEPSU Govt. Gazette of date.

- (iii) by servants or hired labour under one's personal supervision or the personal supervision of any member of one's own family.

Explanation 1.—A tenant who is a widow or a minor or is subject to any physical disability shall be deemed to cultivate land personally if it is cultivated by her or his servants or by hired labour.

Explanation 2.—In the case of an undivided Hindu family, land shall be deemed to be cultivated personally if it is cultivated by any member of the family.

- (c) "prescribed" means prescribed by rules made under this Act;
- (d) "tenant" has the meaning assigned to it in the Punjab Tenancy Act, 1887 (Punjab Act XVI of 1887) but does not include a person having a right of occupancy;
- (e) all words and expressions used herein but not defined and defined in the Punjab Tenancy Act, 1887 (Punjab Act XVI of 1887) shall have the meanings respectively assigned to them in that Act.

(2) References in this Act to the Punjab Tenancy Act, 1887 (Punjab Act XVI of 1887) shall be construed as references to that Act as for the time being in force in the State of Patiala and East Punjab States Union.

3. *Restrictions on termination of Tenancy.*—(1) Notwithstanding any agreement, usage, decree or order of a court, where any land is, on or after the date of commencement of this Act, held by a tenant under a landlord, such tenant shall not, save in accordance with or under the provisions of this Act, be liable to ejectment therefrom unless such tenant—

- (a) has failed to pay rent regularly, or
- (b) has been, in arrears of rent in respect of such land at the commencement of this Act and has not paid such arrears within six months from such commencement, or if there is any decree or order of a court in respect of such arrears, within six months from the date of such decree or order, whichever period is longer, or
- (c) not being a widow, minor or a member of the Armed Forces has, after the commencement of this Act, sublet the land or any part thereof without the consent in writing of the landlord, or
- (d) has, without sufficient cause, failed to cultivate the land comprised in his tenancy in the manner or to the extent

customary in the locality in which the land is situated, or

- (e) uses or has used the land comprised in the tenancy in a manner which is likely to render the land unfit for the purpose for which he held it, or
- (f) on demand in writing by the landlord so to do, refuses to execute a kabuliyat agreeing to pay rent in respect of his tenancy in accordance with the provisions of section 5.

Explanation.—For the purposes of clause (a) a tenant shall be deemed to have paid rent regularly:—

- (i) where the rent is payable in kind, if he pays it either at the thrashing floor within a reasonable time of the reaping of the crop or where according to the nature of the crop or custom of the locality, it is payable at an earlier date, if he pays it not or before such date, or
- (ii) where the rent is payable in cash, if he pays it on or before the date on which it falls due.

(2) Notwithstanding anything contained in sub-section (1), but subject to the provision of sub-section (3), a landlord may eject a tenant if the landlord requires the land for cultivation personally.

(3) Nothing in sub-section (2) shall entitle the landlord to eject a tenant if the total area of land cultivated personally by him is one hundred acres or more:

Provided that where the land which is being cultivated personally is less than one hundred acres, the right of the landlord to eject a tenant and to take possession of the land leased to such tenant shall be limited to such area as will be sufficient to make up the difference between one hundred acres and the area cultivated personally by him.

4. Restoration of possession of land in certain circumstances.—

(1) Where a tenant has been ejected from any land comprised in an estate at any time during the period commencing on the first day of May, 1951 and ending with the day immediately preceding the commencement of this Act and the tenant had held such land for a continuous period of five years immediately preceding the first day of May, 1951, the tenant may make an application in the prescribed form and within the prescribed period to the authorised officer for restoration of the land from which he was ejected.

(2) On receiving an application under sub-section (1), the authorised officer may, after making such inquiry as may be prescribed,

restore possession of the land to the tenant on the terms and conditions of his original tenancy:

Provided that no such tenant shall be entitled to restoration of possession if on the date of his ejectment he was a person whose tenancy could have been terminated under section 3, if that section had been then in force.

(3) Notwithstanding anything contained in this section, no tenant shall be restored to possession of land under this section except during the period commencing the 1st day of May, 1952 and ending with the 15th day of June 1952.

Explanation.—In this section, the expression ‘estate’ has the meaning assigned to it in the Punjab Land Revenue Act, 1887 (Punjab Act, XVI of 1887) as for the time being in force in the State of Patiala and East Punjab States Union.

5. *Amount of rent.*—The rent payable by a tenant to the landlord shall be the rent agreed upon in writing between him and the landlord or in the absence of such agreement, the rent payable according to the usage of the locality:

Provided that in respect of any tenancy in existence at the commencement of this Act, no landlord shall be entitled to receive rent in excess of the amount payable at such commencement unless he makes any improvement in the land after such commencement.

6. *Receipt for rent.*—(1) Every landlord shall, on demand, by or on behalf of a tenant, give or cause to be given a receipt of the rent received by him or on his behalf.

(2) Where any landlord fails to comply with the provisions of sub-section (1), the authorised officer, may, by order in writing, direct him to pay a fine not exceeding three times the amount of the land revenue payable in respect of the land relating to which the default is made.

(3) Any fine imposed under sub-section (2) shall be recoverable in the same manner as an arrear of land revenue.

7. *Restoration of possession of land to tenant if landlord fails to cultivate personally.*—(1) Where any landlord, who has taken possession of any land after ejectment of a tenant under section 3 on the ground that he requires the land for personal cultivation, fails to cultivate such land personally within one year from the date on which he took possession thereof or ceases to cultivate such land personally at any time thereafter, the tenant may make an application to the authorised officer in the prescribed form and within the prescribed period for restoration of possession of the land.

(2) On receiving an application under sub-section (1), the authorised officer may, after giving notice to the landlord concerned and after holding the prescribed enquiry, pass such order thereon, as he deems fit.

8. *Determination of disputes.*—If any dispute arises between a landlord and a tenant relating to—

- (a) the rent payable according to the usage of the locality; or
- (b) the extent to which rent may be enhanced on account of any improvement made by the landlord;

such dispute shall be referred to the authorised officer who may after making the prescribed enquiry pass such order in the matter as he deems fit.

9. *Procedure.*—Subject to any rules that may be made under section 13, in all enquiries and proceedings under this Act, an authorised officer shall, have the same powers as a Revenue Officer has under the Punjab Tenancy Act, 1887 (Punjab Act XVI of 1887) and shall follow the same procedure as is laid down for enquiries and proceedings by a Revenue Officer under that Act.

10. *Appeal from order made under the Act.*—The provisions of sections 80 to 84 (both inclusive) of the Punjab Tenancy Act, 1887 (Punjab Act XVI of 1887) shall, so far as may be, apply in relation to an order made under this Act as they apply in relation to an order made under that Act.

Explanation.—For the purposes of this section an authorised officer shall, where he is not an Assistant Collector, be deemed to be an Assistant Collector.

11. *Bar of jurisdiction.*—(1) Except as otherwise provided in this Act or in the Punjab Act, 1887 (Punjab Tenancy Act XVI of 1887) no order made under this Act shall be called in question in any court.

(2) No suit, prosecution or other legal proceedings shall lie against any person in respect of anything which is in good faith done or intended to be done in pursuance of this Act or any rules made thereunder.

12. *Saving.*—Nothing in this Act shall apply to any land—

- (a) which vests in the State Government; or
- (b) which is evacuee property within the meaning of clause (f) of section 2 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950).

13. *Power to make rules.*—(1) The State Government may by notification in the official Gazette, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

- (a) the form in which and the period within which an application may be made under sub-section (1) of section 4 or sub-section (1) of section 7;
- (b) the appointment and powers of authorised officers and the areas within which they may exercise their powers;
- (c) the manner in which any inquiry may be made under this Act;
- (d) the manner in which notices under this Act may be served.

APPENDIX II

STATISTICS

- II (1) Number of villages, population and area by districts.
- II (2) Area under different classes of tenures.
- II (3) Area and rates of rent of land under inferior and superior owners (other than former Rulers of States).
- II (4) Area and number of tenants-at-will having no land of their own paying rent at different rates.
- II (5) Distribution by size of the number of holdings.
- II (6) Distribution by size of the area comprised in holdings.
- II (7) Distribution by size of area comprised in holdings above 50 acres.

APPENDIX II(i)

NUMBER OF VILLAGES, POPULATION AND AREA BY DISTRICTS

District	No. of villages	No. of Parwar Circles	Population (1931)	Area cultivated (acres)			Area un-cultivated (acres)			Remarks
				Irrigated		Un-irrigated	Culturable waste	Uncultivable waste or Other-waste	Total	
				By wells	By canals					
1. Barnala . . .	485	229	536,728	112,180	228,313	390,182	75,281	41,523	847,479	
2. Bhatinda . . .	606	207	666,809	6,047	534,123	782,810	47,115	61,829	1,431,924	
3. Firozgarh Sahib . . .	481	116	237,597	121,334	1,306	122,703	65,542	23,480	334,365	
4. Kandaghat . . .	1,367	126	147,403	335	15,863	99,187	210,995	52,522	378,902	
5. Kapurthala . . .	701	122	295,071	115,578	...	157,010	77,666	61,296	411,550	
6. Mahindragarh . . .	562	120	443,074	49,728	...	670,821	67,728	69,448	857,725	
7. Patiala . . .	1,044	248	524,269	61,240	118,386	351,753	244,047	70,230	845,656	
8. Sangrur . . .	601	205	642,934	338,398	68,899	647,210	111,451	73,080	1,239,038	
TOTAL . . .	5,847	1,373	3,493,685	804,840	966,890	3,221,676	899,825	453,408	6,346,639	

APPENDIX II (2)

AREA UNDER DIFFERENT CLASSES OF TENURES

Area in possession of	Area owned by proprietors				State owned area (Nazool)				Shamlat Patti or Deh.				Abadi.				Total			
	Cultivated	Banjer	Gher-mumkin	Cultiv-ated	Banjer	Gher-mumkin	Cultiv-ated	Banjer	Gher-mumkin	Cultiv-ated	Banjer	Gher-mumkin	Cultiv-ated	Banjer	Gher-mumkin	Cultiv-ated	Banjer	Gher-mumkin	Grand Total	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16				
1 Owners or State	3,012,006	500,680	156,705	5,446	95,395	66,017	55,118	232,297	142,071	1,563	65,955	3,074,133	828,372	430,728	4,333,233					
2. Occupancy Tenants	282,805	7,490	5,382	14,041	497	201	20,458	880	575	...	805	317,304	8,867	6,963	333,134					
3. Special Tenants	70,160	559	479	5,328	465	94	483	66	235	...	72	75,971	1,090	880	77,941					
4. Tenants-at-Will	995,016	24,915	4,587	7,269	2,800	1,017	9,022	1,154	449	26	277	1,011,333	28,869	6,330	1,046,532					
5. Lessees	112,607	4,681	1,996	14,776	5,320	3,772	2,381	210	158	...	29	129,764	10,211	5,955	145,930					
6. Mortgagors	379,529	19,643	2,427	3,668	5,588	66	1,704	2,185	59	...	...	384,901	22,416	2,552	409,869				
Grand Total	4,852,123	557,968	171,576	50,528	105,065	71,167	89,166	236,792	143,547	1,589	67,118	4,993,406	899,825	453,408	6,346,639					

NOTE.—934 persons reported as special tenants, called Dohildars are occupying 3.351 acres of land. They pay no rent to the landlords , and not liable to ejection. Land Revenue paid by the Landlords These are Brahmins etc. There are persons occupying 7 acres known as Mugarridars.

Nilam Patta tenants, reported as special tenants, are only lessees of govt. lands.

With the exception of these three classes of special tenants occupying 5,600 acres, all others have been declared occupancy tenants under section 8 of Tenancy Act.

REPORT ON AGRARIAN REFORMS

APPENDIX II (3)

AREA AND RATES OF RENT OF LAND UNDER INFERIOR AND SUPERIOR OWNERS (ORDER THAN FORMER RULERS OF STATES).

Total Area 36023 acres.

APPENDICES

AREA AND NUMBER OF TENANTS AT WILL HAVING NO LAND OF THEIR OWN PAYING RENT AT DIFFERENT RATES

District	At Land Revenue Rate		Rent in Cash		Fixed Rent		Rent in Kind 1/2		Rent in Kind 1/3		Rent in Kind 1/4		Rent in Kind 2/5		Rent in Kind 1/5		Mixed Rent	
	No. of Tenants	Area	No. of Tenants	Area	No. of Tenants	Area	No. of Tenants	Area	No. of Tenants	Area	No. of Tenants	Area	No. of Tenants	Area	No. of Tenants	Area	No. of Tenants	Area
1. Barnala.	316	173	3,217	345	...	7,825	1,111	8,336	1,016	49	6	1,736	273	2,631	150	...	...
2. Bhatinda	2	10	19,214	2,290	...	15,406	2,337	12,288	1,223	825	61	1,678	141	43	4	...	...
3. Fatehgarh Sahib	...	...	3,521	489	...	3,139	421	8,921	1,079	4	2	3,009	442	...	...	969	126
4. Kandughat	11	6	1,437	168	...	821	94	153	33	...	...	...	...	...	...	...	...
5. Kapurthala	...	...	7,137	1,277	...	16,629	3,419	...	...	...	...	...	...	...	...	...	...
6. Mahendragarh	...	...	41,028	7,136	79	16	9,928	2,080	1,993	401	10	2	254	36	...	...	...
7. Patiala	...	...	24,059	3,150	...	43,328	6,389	56,645	4,721	12,849	1,230	11,553	1,933	3	1	...	...
8. Sangrur	142	45	2,545	332	...	1,513	215	38,175	4,021	11,163	1,457	81	19	82	15	...	...
Total	471	237	102,159	15,187	79	16	99,389	16,086	126,566	13,394	24,920	2,778	18,663	2,844	2,759	170	969	126

Total area under tenants-at-will 375,960
Number of tenants-at-will 50,835

APPENDIX II (5)

DISTRIBUTION BY SIZE OF THE NUMBER OF HOLDINGS

District	No. of Holdings	Under one acre	one acre and above but under 3 acres	3 acres and above but under 5 acres	5 acres and above but under 10 acres	10 acres and above but under 15 acres	15 acres and above but under 20 acres	20 acres and above but under 25 acres	25 acres and above but under 50 acres	50 acres and above	Remarks
1. Barnala	97,435	8,502	12,971	16,246	25,419	17,460	7,836	4,881	3,239	881	
2. Bharinda	66,399	8,989	7,979	6,367	10,321	7,471	6,381	4,876	11,023	5,892	
3. Fatehgarh Sahib	38,699	7,482	5,626	5,322	6,687	5,272	4,130	775	2,067	1,338	
4. Kandaghat	42,950	5,251	5,821	4,679	9,543	5,305	3,716	5,970	2,533	132	
5. Kapurthala	68,721	32,624	13,808	6,386	7,420	3,384	1,736	1,139	1,415	809	
6. Mahendragarh	59,284	6,404	8,355	8,217	10,529	7,818	5,911	4,320	5,119	2,611	
7. Patiala	72,223	15,887	14,205	8,689	10,512	7,463	5,490	3,945	4,142	1,890	
8. Sangrur	77,703	10,195	10,768	8,532	12,335	9,691	7,894	5,707	8,607	3,972	
TOTAL	523,414	92,434	79,533	64,438	92,768	63,864	43,094	31,613	39,045	17,525	

APPENDICES

APPENDIX II (6)

DISTRIBUTION BY SIZE OF THE AREA COMPRISED IN HOLDINGS

District	Area (Acres)	Area of holdings of less than one acre	Area of holdings of one or less than 3 acres	Area of holdings of 3 or 5 acres	Area of holdings of 10 or less than 10 acres	Area of holdings of 15 or less than 15 acres	Area of holdings of 20 or less than 20 acres	Area of holdings of 25 or less than 25 acres	Area of holdings of 50 acres or above	Re- marks	
1. Barnala	•	847,479	7,621	15,386	52,587	140,643	190,250	121,441	106,073	98,963	114,515
2. Bhatinda	•	1,431,924	4,425	19,550	28,292	99,823	105,917	124,107	112,726	499,861	437,223
3. Fatehgarh Sahib	•	334,365	4,165	9,978	17,233	34,569	55,725	64,020	16,938	57,666	74,071
4. Kandaghan	•	378,902	5,226	16,047	16,080	52,717	54,587	62,855	89,255	64,560	17,575
5. Kapurthala	•	406,550	28,563	39,908	29,420	69,850	48,484	31,373	26,179	63,134	69,639
6. Mahendragarh	•	857,725	5,435	22,200	39,666	99,643	126,011	111,640	95,081	194,447	163,602
7. Patiala	•	845,656	8,308	36,366	39,244	32,024	100,467	98,019	85,972	112,595	282,661
8. Sangrur	•	1,239,038	7,453	28,011	36,635	100,831	141,550	135,167	127,631	316,078	345,682
TOTAL	•	6,341,639	71,196	187,446	259,157	680,100	822,991	748,622	659,855	1,412,304	1,504,968

APPENDIX II (7)

DISTRIBUTION BY SIZE OF AREA COMPRISED IN HOLDINGS ABOVE FIFTY ACRES

District	Area of holdings of less than 50 acres	Area of holdings of 50 acres or above but less than 100 acres	Area of holdings of 100 acres or above but less than 200 acres	Area of holdings of 200 acres or above but less than 500 acres	Area of holdings of 500 acres or above but less than 1000 acres	Area of holdings of 1000 acres or above	Remarks	
1. Barnala	•	•	732,964	44,379	14,747	16,648	8,621	30,120
2. Bharinda	•	•	994,701	194,635	97,824	81,303	6,329	57,132
3. Fatehgarh Sahib	•	•	207,294	21,776	14,048	16,919	17,394	4,834
4. Kandaghat	•	•	361,327	9,772	4,762	2,313	728	...
5. Kapurthala	•	•	341,911	38,138	10,007	15,566	3,368	2,560
6. Mahendergarh	•	•	694,123	75,635	37,267	27,992	18,829	3,879
7. Patiala	•	•	562,995	158,896	92,299	19,549	7,253	4,664
8. Sangrur	•	•	893,356	191,960	57,489	34,985	30,475	30,773
TOTAL	•	4,841,671	735,191	328,443	214,375	92,997	133,962	= 6,346,639 acres.

